

John Adams Library,



IN THE CUSTODY OF THE
BOSTON PUBLIC LIBRARY.



SHELF N^o

★ ADAMS

242.1

1303
11

AN
HISTORICAL AND POLITICAL
V I E W
OF THE
CONSTITUTION AND REVOLUTIONS
OF
G E N E V A,
IN THE EIGHTEENTH CENTURY.

WRITTEN ORIGINALLY IN FRENCH,
BY
FRANCIS D'IVERNOIS, ESQ. LL. D.
(LATE CITIZEN OF GENEVA)

AND TRANSLATED BY
JOHN FARELL, A.M.



L O N D O N :
PRINTED FOR T. CADELL, IN THE STRAND.

M. DCC. LXXXIV.

ADAMS 242.1



T O

DAVID LATOUCHE, JUN. Esq.

S I R,

THE Author of the following Sheets dedicated his Work to the FRENCH Monarch, in hopes of averting the blow which, under the sanction of his royal name, threatened immediate destruction to the Liberty of GENEVA. That fatal stroke was notwithstanding cruelly inflicted, and the Genevese were reduced to a dreadful alternative — TO RENOUNCE THEIR COUNTRY, or, THEIR FREEDOM. Permit me, Sir, to present to you the Translation of this History, as a small testimony of respect to one of those benevolent Men, who exerted themselves

D E D I C A T I O N.

themselves to procure an honorable asylum for those unfortunate Patriots. I have too often heard the Author dwell on your praise, not to be convinced, that my choice will meet with his warmest wishes, as well as the approbation of the Public, who have taken so lively a concern in the advancement and success of the new Colony: they will learn with pleasure, but without surprise, that you were one of the most zealous and enlightened promoters of that establishment.

I am,

S I R,

With sentiments of the most profound respect,

your most obedient

humble servant,

J O H N F A R E L L.

DUBLIN, May, 1784.

TO HIS

MOST CHRISTIAN MAJESTY

L E W I S XVI.

K I N G O F

F R A N C E A N D N A V A R R E.

SIRE,

I PRESUME to dedicate to YOUR MAJESTY the picture of the revolutions of my country, of their origin and fatal consequences. The king whose study is the happiness of his subjects cannot be indifferent to the welfare of his neighbours; and Geneva has the honor of being connected with Your crown by solemn treaties. The greatest, the most august of Your ancestors (*a*), the prince in whose steps You tread, offered to defend our independence, even at the hazard
a of

(*a*) H E N R Y IV.

of his sacred Person. I come to conjure his Successor, not so much to support that independence, as to prevent his royal name from being abused, to authorize the attacks made on it. I come to lay at the foot of his throne the truth which escapes the eyes of his ministers.

It is not surprising that they have hitherto been unable to discover the real causes of the disturbances of so small a state. Principal administrators of an empire, the immense extent of which requires the most immediate execution of their orders, they must consider the slightest delay in public obedience as a revolt against authority; how greatly is it not therefore to be feared, that wishing to calm the agitations of a small republic, they may mistake the measures to be adopted; and that whilst they imagine they are providing for its happiness, they may contribute to its destruction?

Such, SIR, is the cause of our alarms; and if almost the entire body of the people of Geneva seem to repulse the kindly hand of Your ministers, it is not from
any

any doubt of the lively concern they take in our prosperity ; but, from a melancholy experience of forty years, that truth falls short of them, and that, absorbed in an immensity of objects, they cannot discern her faint light amidst the obscurity with which it is industriously surrounded.

This truth, the safeguard of the weak, of oppressed innocence, shall be ours, if I succeed in freeing it from the shackles with which passion has fettered it. Such is the project I dare to form. I owe it to my country, I owe it to the greatness of Your character, to the deluded equity of Your ministers. Happy my fellow-citizens, that in their misfortune they are summoned to plead the cause of liberty before a Monarch, its Patron, its Protector ; a Monarch, who since the beginning of his reign has been an object of veneration to true republicans !

Yes ; to defend our constitution with success before a Prince, the friend of virtue and morality, it will be sufficient to delineate the influence of that constitution on the public and private manners of a free and calumniated people. I appeal

peal with confidence to such foreigners, as, during their residence in Geneva, have not disdained to cultivate the friendship of the numerous class of citizens, who, equally remote from that degree of opulence, by which the mind is depraved and from misery by which it is debased, are there considered as the heart of the nation; citizens, who, in *the golden mean* earned by honest industry, have preserved, as a sacred trust, the national character, veneration for the laws, and all the simplicity of republican manners.

Let YOUR MAJESTY condescend to interrogate those foreigners, their testimony will be, that these citizens support the state by active industry and flourishing commerce; that the astonishing degree of prosperity to which they have raised a country destitute of every local resource, has rendered it an object dear to their affections, dear perhaps to their pride; that the greater exertions they have made for this their country, the more they think they owe it; sensible that the fruits of their industry are grafted on the tree of liberty, deprived of which abject indigence must be their portion; and that it is by this ever-active sentiment

they

they are animated, from generation to generation, to struggle against the attacks made on their constitution.

In fine, those foreigners, if they have penetrated into the interior economy of our families, will further attest, that, notwithstanding the ridicule thrown by some opulent men on a rigid observance of domestic virtues, they have seen amongst us many happy spouses, few inclined to celibacy, and many young and sober fathers; that education is daily making rapid strides towards perfection; that virtue is revered by the men, practised by the women; that mothers find no guardian necessary for the honor of their daughters, and that the liberty of both is its only security.

Such are the public, such the private virtues of our citizens, to which even slander has given but a brighter lustre. And were YOUR MAJESTY to investigate the causes, why such a people has notwithstanding long exhibited to Europe a spectacle of ever-reviving intestine divisions, YOUR MAJESTY must perceive that these
divisions

visions originate in Geneva from the ambition of its rulers, from the wounds repeatedly inflicted on personal liberty, and from the inability of the citizens to put a stop to the violation of law at home, and the consequences of intrigue abroad. Above all YOUR MAJESTY must perceive, that these divisions were never attended with any alarming symptoms for Geneva, until some ambitious men conceived the criminal hope of introducing the interposition of foreign powers, by painting our dissensions in the colours of exaggeration.

The citizens of Geneva, as they represent them, are become, by a most extraordinary metamorphosis, a people of enthusiasts, who require, in their frenzy, to be eased of a liberty which hangs heavy on them, and who must, even in spite of them, be taught to be happy.

What pretence has been made use of to raise such clamours against them? Are they reproached with running into the public places, at the nod of a few seditious demagogues? Have they espoused a part in family quarrels? Have they endeavoured to raise any one to the summit of au-
thority

thority, as in the republics of the middle age? Have they risen up for theatres, as at Athens? Have they called aloud for a division of lands, as at Rome? Have they in fine solicited an abrogation of their laws? SIRE; it was a knowledge of these very laws that the citizens of Geneva demanded! They called for a code, to serve their chiefs as the basis of power, and the people as the standard of obedience. Mutual confidence was about to rest on the ground-work of public order and common security; already the work of this precious monument was begun; when, on a sudden, aristocracy sounded the alarm, turned against liberty the shaft ready to strike at arbitrary power, and the most salutary project sunk into nought.

But, SIRE, will it be credited? It was by a violation of public faith that Your support has been solicited, to suppress the remonstrances of the friends to peace, who had been disappointed of their fondest hopes!

I shall here pass over in silence the means employed to introduce into Geneva

neva a foreign interposition; it was wished that Your ministers would arm against us; it was therefore necessary to raise disturbances, and disturbances have been raised Why are we forced to the painful necessity of publishing wrongs we were inclined to pardon? Was it not already too much for her children to have sown dissension in the bosom of their country? should they have dragged their fellow-citizens before a foreign tribunal, to discuss the rights of their common parent?

Geneva is a free, independent and sovereign republic; the ancient Genevese hold that sovereignty from God and their sword; their successors have preserved it unimpaired.

This sovereignty resides in the *general council*; the republic belongs to it by the same rights as Your crown belongs to YOUR MAJESTY. As Grotius says, *there is no difference between a free people and a real king.*

We wish to defend that sovereignty, because it is our birth-right; a right to
us

us invaluable; because we have sworn to maintain it; and that we are accountable for it to all sovereign states, amongst which, how small soever it be, we hold our place.

We wish above all to preserve the rights of the general council, and to stem the torrent of aristocracy, which, in a state circumscribed like ours, would be the worst of governments, multiplying masters *ad infinitum*, and at every step presenting tyrants amidst equals.

There is, SIRE, a sacred principle in all republics; that they are instituted, not for the governing, but for the governed. A view of the dissensions with which we have been agitated since the beginning of this century will prove to YOUR MAJESTY, that when this principle is trampled under foot, magistracy is unrestrained, the spring of public confidence broken, and the tranquillity of the state destroyed.

A perspective of these revolutions, each exhibiting a scene remarkable for the crimes of ambition, the long forbearance of the people, and the duplicity of their rulers, will enable YOUR MAJESTY to discover

ver the source of all our calamities, in the manner wherein the heads of the state have affected to set themselves above the opinion of the public, and to despise that general confidence, which is the fundamental principle of our free association. *How can one man rule twenty millions?* said one of your ablest ministers—*By public opinion.*

And would the magistrates of a small state pretend to ground their power on any other basis than that of Yours? Shall it be possible for them to throw off the salutary yoke of this confidence, the most powerful of guarantees, which ought to be still more precious to them than even to us, since it is at once the true substitute where the law is imperfect, the strength of the rulers, and their most pleasing recompense.

To deceive themselves in the loss of this possession, our rich men continually repeat that the Genevese are honest but mistaken. SIRE, whoever will have influence enough to persuade You that the voice of the people is directed by error, will have divested You of Your first glory,
the

the reward the most worthy of Your exertions.

But YOUR MAJESTY, who well knows how to honor and appreciate the opinion of the public, knows also that it cannot be long deceived; and after having announced to the universe, that You would reign by confidence alone, You will not assist the aristocratic faction in annihilating the first of our laws, the only one that can compel them to deserve it.

Such is the length to which they have been carried by the prejudices of education, by false calculations of their real interests, and the too natural lust of power. However they imagine themselves already in the road to triumph: from a slight commotion they have brought us into real danger. Even blood is perhaps going to be shed! And what blood? Almighty God! the blood of the innocent....

The most alarming preparations surround our frontiers. Our neighbours, instead of the olive-branch of negotiation, brandish before our eyes the sword of war. What have we done, what crime of ours can justify such measures? SIRE, we neither
ther

ther sue for pardon nor mercy; it is justice we implore. We claim the support of a constitution that is our right, that is displeasing to the rich, and that we only asked to preserve unaltered. But let us once be left to ourselves, let ambition have no foreign assistance to rely on, and peace will soon be restored by mutual sacrifices; never would it have been disturbed, without the hope of that assistance.

Such, SIRE, is the general voice of the Genevese; such is the opinion of the public acquainted with the cause of our misfortunes! As long as we can entertain a hope of making that opinion reach Your throne, we shall claim it as our shield, and our confidence will be grounded on the virtues of Your ministers. Could we harbour a thought that they would abuse their power to oppress us, we should have nothing left but despair; but we flatter ourselves that truth will force its way; and, happen what will, our resistance will be the noblest homage that can ever be paid to their intentions and to those of YOUR MAJESTY.

We

We are told from every quarter that resistance will terminate in our destruction. Without doubt; we are conscious of our weakness, of the smallness of our number and the impossibility of succeeding: but we have before our eyes our rights, our oaths, those of free nations, and the title of *citizens of Geneva*, of which we are determined to be worthy to our latest breath. If we must renounce our laws, *we shall only have to desert a country we were unable to defend*, or to pay it our last duty by falling with it, and honourably losing an existence, which, destitute of liberty, would be ignominious to us.

There is one truth more I have to lay at the foot of YOUR MAJESTY'S throne, a truth of great importance to the glory of Your reign, and to the tranquillity of our minds—that if we thus fall victims to the intrigues of a few of our men in opulence, if we are crushed under the weight of Your power, posterity that judges kings, posterity, whose approbation You daily endeavour to deserve, will sit as arbiter between You and us, compare the good You have done Your subjects with Your conduct to the Genevese, and, not knowing that YOUR MAJESTY and Your
ministers

nisters were basely deceived, will believe that Geneva was destroyed, because republican virtues must be displeasing to kings.

But no! YOUR MAJESTY will not drive to despair the inhabitants of a city, distinguished by its prosperity, and honoured by citizens, whose only ambition was to render it a seminary of enlightened, useful and virtuous men. SIRE! Deign to cast an eye upon Geneva, and behold Yourself what a structure the hands of liberty have erected on this barren spot. I often contemplate it with transport, and exclaim; no! it is not Lewis the sixteenth that will destroy the work of liberty and the asylum of virtue! My country will flourish and preserve her freedom; or if she ever loses her liberty, *industry will take its flight along with it*: Geneva shall then be but a dungeon of slavery, and the court of some opulent and depraved men: no longer will it fix the attention of philosophers; and if it be still inhabited, no industry, no citizen, no Genevese will be found amongst its inhabitants.

These are, SIR, the great truths, faithfully delineated in the history of our re-
volu-

volutions. This history is founded on authentic facts; and I presume to hope that some generous mind will make it known to YOUR MAJESTY. The author's name is consigned to oblivion; it would add but little weight to this attempt (*b*). Born amongst the people, I boast no other title but that of *Citizen of Geneva*, and the only reward I aspire to, is to see the triumph of innocence. We shall not think that triumph dearly bought at any price; we shall support, with equal constancy, calumny and its concomitant, misfortune; convinced that misfortune will cease, the
moment

(*b*) This volume was published during the siege of Geneva, that is to say, some weeks before it received the death-wound with which it was threatened, and which I still endeavoured to avert. In hazarding a last attempt, to remove the mist of party spirit from before the eyes of the aristocratic faction, prudence imposed on me the necessity of laying aside whatever might awake that passion; and besides, the extreme moderation I had prescribed myself towards them, gave me a right to be anonymous: but now that the crime of the subjection of Geneva is accomplished, now that it is no longer questioned of preventing it, but revealing its authors, now that I have no more measures to observe, but adherence to truth, to conceal my name would be cowardice; I accuse, I name, I ought therefore to name myself.

moment YOUR MAJESTY shall be informed of it. Alas! If YOUR MAJESTY disclaims assisting virtue in obscurity and distress, where will it henceforth meet protectors worthy of it?

CON-

CONTENTS.

	Page
ADVERTISEMENT.	xxix

INTRODUCTION.

<i>The Constitution of GENEVA before and after the Reformation—A View of its successive Revolutions, and the Senate's Usurpations to the beginning of the Eighteenth Century, when the Regeneration of the Spirit of Liberty paved the way to the REVOLUTION of 1707.</i>	I
---	---

PART I.

CHAPTER I.

<i>The REVOLUTION of 1707.</i>	28
--------------------------------	----

CHAP. II.

<i>The printing of the edicts—The repeal of the periodical General Councils.</i>	57
--	----

b	CHAP.
---	-------

C H A P. III.

- Of the new taxations—the important question they gave rise to—of the anonymous letters, and the senate's perquisitions against the author.* 68

C H A P. IV.

- Of Micheli, his system and misfortunes.* 73

C H A P. V.

- An account of the troubles of the Year 1734.* 78

C H A P. VI.

- Of the events preparatory to the mediation of France, and the cantons of Zurich and Bern.* 93

C H A P. VII.

- France and the cantons of Zurich and Bern offer their mediation to the citizens, who, after vain efforts to render their offer ineffectual, are constrained to accept of it.* 105

C H A P. VIII.

- The history of the mediation of 1737.* 112

C H A P.

Page

C H A P. IX.

A discussion of the edict of 1738. 117

C H A P. X.

Of the act of guarantee annexed to the edict of 1738—of its tenor, its drift, and its consequences. 133

C H A P. XI.

The acceptance of the edict—The public rejoicings, and departure of the mediators. 140

P A R T II.

C H A P T E R I.

Of the years subsequent to the edict of 1738—Prosperity in commerce—Improvement in the arts—Progress in knowledge. 147

C H A P. II.

The first seeds of the public discontent—Of the residence of J. J. Rousseau in Geneva, his writings, the decree against him, and his misfortunes—The sentence

	Page
<i>of Pictet—The erection of a tribunal without syndics—The alarming aggrandizement of the Tronchin family.</i>	159

C H A P III.

<i>Rousseau's abdication—The attempts of the friends to peace to obtain justice for him—The senate's obstinate resistance—The first representations of the citizens—Their consequences.</i>	171
---	-----

C H A P. IV.

<i>The senate, instead of restoring peace to the republic, publicly announce their determination to resign their places—The delicate situation of the citizens—Voltaire makes some efforts to reconcile the two parties—The senate inform him that they will not listen to any negotiation.</i>	180
---	-----

C H A P. V.

<i>New efforts of the friends of peace—The general council refuses to elect magistrates—Invocation of the guarantee.</i>	190
--	-----

C H A P.

C H A P. VI.

A brief examination of the three principal points of law in dispute between the senate and the citizens.

I.

Imprisonment without restriction or condition.

II.

The right of representation, and the negative right, by which the senate endeavoured to annihilate it.

III.

The line of new election, or the unlimited right of refusing to elect.

1st. Of imprisonment without restriction or condition.

198

C H A P. VII.

Arrival at Geneva of the envoys of the guaranteeing powers—The first proceeding of those ministers—They consent to the citizens appointing twenty-four commissaries

	Page
<i>missaries—The senate at length drop the mask, and expressly demand a repeal of the edict of 1738.</i>	211

C H A P. VIII.

<i>Of the justification granted to the senate by the guaranteeing powers—The efforts of the citizens to prevent it—Its consequences.</i>	224
--	-----

C H A P. IX.

<i>Character of the duke de Choiseul, and the mediators—Noble refusal of the court of England to interfere in the dissensions of Geneva.</i>	233
--	-----

C H A P. X.

<i>Of some events that preceded the project of pacification drawn up by the plenipotentiaries—Examination of this project.</i>	240
--	-----

C H A P. XI.

<i>Of new menaces employed against the citizens—Proceedings previous to the project of the mediators being laid before the general council—Rejection of the project—Consequences of its rejection.</i>	255
--	-----

P A R T I I I.

Page

C H A P T E R I.

The public calamities—Severe trials of the citizens—The representants are precluded from any communication with France—Commerce is prohibited—The citizens constancy.

269

C H A P. I I.

The guaranteeing powers disagree about the objects to be contained in the decision—The citizens avail themselves of the slowness with which that work advances, to make their case known to foreign states.

283

C H A P. I I I.

Of the condition of the natives—The part they acted in the divisions of 1766—Proceedings of the 5th of January 1767.

294

C H A P. I V.

*The senate persist in wanting to subject the citizens to the decision.—The representants in vain endeavour to dissuade them
— from*

	Page
<i>from their fatal resolution—The remon- strance of the 16th of October 1767— Necker's arrival in Geneva.</i>	302

C H A P. V.

<i>The three guaranteeing powers ratify the decision and send it to Geneva—Exami- nation of that work—Dispositions to an accommodation to which it paved the way.</i>	325
---	-----

C H A P. VI.

<i>The senate at length appear disposed for an accommodation without foreign assistance— They refuse to appoint regular conferences with the citizens, and draw up articles of peace without consulting them—Their pro- ject is rejected in the general council.</i>	339
--	-----

C H A P. VII.

<i>The senate enter on new negotiations, which lead to preliminaries of peace—The ac- commodation is accepted by every order of the state, and ratified in the general coun- cil on the 11th of March 1768.</i>	352
<i>Supplemental advertisement.</i>	369

A D V E R T I S E M E N T.

THE imminent danger which threatens the republic of GENEVA compels its inhabitants to make an immediate appeal to the public, concerning those transactions which have brought on the calamities to which they are exposed. I venture to take upon me this task, which, though a painful, is a sacred one; earnest to perform it, my first duty is regard to truth, and, in discharge of that, I choose to sacrifice whatever might render the subject agreeable. The true citizen ought to prefer the satisfaction of being useful, to the vain glory of literary reputation.

If this history be not distinguished by the grandeur of its features, I may hope that men of worth will find compensation from the interesting view of a long series of virtues, which, though obscure, were not the less arduous.

Beside, the more limited the theatre on which the passions are displayed, the better we discover the springs of the human heart; the fewer the actors brought forward on the scene, the easier we can penetrate into the causes of public prosperity; and to me it seems that we can here trace the spirit of liberty, step by step, amidst the assaults it has ever been fated to sustain from the prejudices of ignorance and the efforts of ambition.

History is the only guide to a knowledge of the genius, the manners of a nation, and the views of the different parties by which it has been agitated. The passions of a people are nearly similar at every period, and the same scenes are repeatedly exhibited in republics. The best manner therefore of unfolding the real causes of the late REVOLUTION IN GENEVA, is to publish the history of its preceding dissensions.

Have I described the Revolutions of my Country, in such a manner as to interest the generality of readers? Far be it from me to encourage so flattering an idea; 'tis only to the enlightened few that I present it, and though in appearance nothing more is offered than the disputes of a small community with its chief magistrates, yet men of observation will not disdain to make a research into distant causes, and will undoubtedly perceive the just application of the verse which Mr. *Berenger* has adopted as the motto for his History of GENEVA:

“Admiranda tibi levium spectacula rerum.”

INTRO:

INTRODUCTION.

The Constitution of GENEVA before and after the Reformation—A View of its successive Revolutions, and the Senate's Usurpations to the beginning of the Eighteenth Century, when the Regeneration of the Spirit of Liberty paved the way to the REVOLUTION of 1707.

IT forms no part of the plan of this work to unfold the singular causes which have prevented Geneva from being invaded by any of the three great powers by which she is surrounded. Her preservation was sometimes the result of her own courage, but more frequently the effect of her position, and other adventitious circumstances.

The picture here exhibited is that only of her intestine revolutions (*a*); it becomes the more interesting from this circumstance, that amongst
B the

(*a*) The title of this work sufficiently precludes all expectation of finding in it either an enumeration of the antiquities of Geneva, or conjectures on its foundation, or even an historical account of the reformation. However, for the satisfaction of foreigners, I shall rapidly glance over these different subjects.

INTRODUCTION.

the many states that have preserved their independence, very few have escaped from domestic attacks.

It is in vain to ascribe honor to Geneva, by asserting that her liberty was the result of principles deeply meditated. This republic, like other states in the period of infancy, was necessitated to attach her first citizens to the support of the common-weal, by every endearing tie.

Under

Geneva was a city of the Allobroges, when they were conquered by the Romans: it afterwards passed by turns under the yoke of the Burgundians and Franks. Charlemain augmented its privileges, and granted the right of electing its bishops, who were considered as the princes of an imperial city. They were notwithstanding obliged to swear to respect its *franchises*, which secured to the citizens, amongst other rights, that of giving bail to avoid imprisonment for petty crimes.

The Genevese Counts and those of Savoy were ambitious of sharing with the prelate the jurisdiction of Geneva; but the pope and the people sided with the bishop. AMADEUS VIII. Duke of Savoy in vain employed, in support of his pretensions, prettexts similar to those which his successor VICTOR AMADEUS II afterwards successfully used to oppress the republic; that of repressing intestine disorders, and securing happiness to a people whom the feebleness of their bishops could not shield from disturbances. The heads of the people in those times displayed more integrity and wisdom than the partisans of aristocracy in the year 1782, they soon perceived the chains of slavery concealed under the peace that was proffered with such apparent generosity; the result was a treaty of union between the bishop and the people, and a series of wars between the city and the house of Savoy. One of the bishops, a short time after, against the faith of the treaty, and without consulting the inhabitants, resigned all his right over the city of Geneva to the House of Savoy. The Genevese stood forth to resist the united efforts of the duke and their bishop.

They

Under their prelate's jurisdiction, the Genevese already possessed many attributes of sovereignty; they elected their chiefs, enacted laws, granted subsidies, contracted alliances and levied troops. On the prelate's retreat, the rights of the city were further encreased by those which were exercised by him as a temporal prince, and the sovereignty of Geneva became complete and independent.

B 2

This

They were indebted for their success to a defensive treaty with the cantons of Fribourg and Bern, by which these two small states agreed to grant to Geneva succours which she was to pay for, whilst, on her side, she engaged to assist her two allies at her own expence. This treaty, tho' far from generous or equal, was necessary: Geneva owed her preservation to it; and in those days it was the favourers of tyranny, the base partisans of the Duke of Savoy, who were driven from their country.

The corruption of the clergy gradually introduced the reformation; and the hatred of the people to the bishop and his officers, could not but be favourable to a doctrine tending to their legal expulsion: Calvin appeared, and his genius, aided by circumstances, gained him an influence which he exerted for the advantage of the public liberty. A mortal foe to ecclesiastical hierarchy, it would have ill become him to oppose the equality of civil right, and besides, what probability was there, that the Genevese would rest contented with bartering a religious for a political yoke? Calvin's legislation was therefore a republican work.

The Genevese required to be animated by the powerful incentive of constitutional freedom, to resist the house of Savoy, against which they were obliged to support wars that crowned them with glory, but exhausted their strength. They mutually gave and received assistance from France: but that crown monopolized the fruits of victory; on dividing the spoils of the house of Savoy, Henry IV. refused

This sovereignty the republic had regained, not by the efforts of a part, but by the unanimous concurrence of all its members. As they had all united to repel public danger, and to throw off an oppressive yoke; reason also directed

refused to give up to the Republic the country of Gex, which had been promised to it by different treaties.

12th Nov. 1602. The Commonwealth was menaced with a dangerous act of treachery of a different nature. In the midst of a truce sworn to by the Duke of Savoy, he prepared with most impenetrable secrecy to take Geneva by surprise; this famous expedition has been ever since celebrated by the name of the *Escalade*. A formidable army surrounded the city in a night of profound darkness, two hundred chosen men had already got within the walls, when a few of the citizens roused from their slumber, attacked them half-naked, repulsed the enemy, and with bravery unparalleled in the annals of history, wrested from them a victory which seemed already decided.

To this heroic action we may compare the manly courage with which the grand council on the next day hanged all the prisoners, without paying the least regard to the consideration that the flower of the nobility of Savoy were included amongst them.

This event was productive of a treaty which terminated hostilities with the Duke of Savoy; the attention of the magistrates then naturally turned to the increase of their domestic authority. Calvin imagined he had left the Democracy still better settled on the basis of the manners he found established, than on that of the laws framed by him and accepted by the people. He was deceived: the manners of the chiefs were preserved in their primitive purity, only to the beginning of the seventeenth century. When these were changed, the chiefs sought to overturn the laws, or at least to lull them asleep, to evade and explain away their meaning, by contesting the sense even of the plainest terms. 'Tis this insensible alteration in manners, in laws, and above all the commotions consequent thereon, that we shall here endeavour to delineate.

rected them to share in common the fruits of victory. The power which might have been the object of every man's ambition, was left in common to all, that the interest of each individual might be connected with the prosperity of the state. Such has necessarily been the origin of every democracy,

It was peculiarly necessary in Geneva for the legislator to contrive means to bind the affections of the inhabitants. The soil was too ungrateful to be fertilized by any hands but those of freemen, and to the inconstancy of the climate must be added the perpetual attacks of a formidable and enterprising neighbour.

At the period of the reformation, the social compact was, it may be said, suspended and renewed. Religion, magistrates, prejudices, all were changed; and when the prelate retired from the city, he left none behind him but citizens who were all equals. This was the period when every affair, whether important or trifling, was laid before the general assembly. (b)

This

A. D.
1534.

(b) It is probable that in the infancy of the republic, that is to say, at the first separation of the rights of the prelate and the city, all the inhabitants, without exception, had the right of voting in the general assembly. However, *De Rochemont*, secretary of state, has taken pains to prove that before the year 1293, the distinction between *Freemen* and *Non-Freemen* was already known. "At that period, says he, a solemn treaty was concluded between the city and the prelate; a treaty which gave a permanent consistency and new force to the community. At that time it was necessary for the community to be circumscribed, and to make a distinction between the denizens and aliens; and that each person newly naturalized should submit in form to all the clauses of the original union: that he should be admitted

This assembly, consisting of the heads of families, constituted a sovereign, deliberating and acting body, that always left the cognizance of details to four syndics or procurators, reserving to itself the discussion and decision of all weighty matters.

The more entire this species of democracy, the fewer jealousies and distrusts were perceived; external dangers kept alive the flame of patriotism, and continually cemented the general union: the city was annually governed by two procurators of its own election; they were responsible for their administration; and their administration, truly paternal, then presented Geneva under the image of one family. Her chiefs, the first martyrs to the public good, were the less disposed to invade the general liberty, they

“mitted a freeman and juror, and take the freeman’s oath in the general assembly.”

The acquisition of this title was undoubtedly at first but little sought for; since, in the midst of the public calamities, government forced some persons who inhabited the city to leave it, or get themselves enrolled amongst the freemen. But the value of the freedom increased, as common dangers diminished, and thenceforward it was sold only to strangers in good circumstances who came to settle in Geneva; the poorer sort, unable to attain it, were, and are still, received under the title of *inhabitants*, without being permitted to participate in the rights of commerce, or to vote in the general council. Their sons, called *natives*, did not enjoy a better condition, and their number is so increased by the high price which the senate set on the acquisition of freedom, and by their constant repugnance to admit them to it, that the class of Genevese, which forms the least opulent part of the people, is at this day almost as numerous as the citizens, and must naturally be ever seeking to better their condition.

they justly regarded it as their own particular work, and which reflected on themselves the brightest lustre.

Mean time, the multiplicity of affairs had long since engaged each syndic to nominate some of the principal citizens to serve as assessors, during his administration. These assessors, called *counsellors*, imperceptibly formed a council of twenty-five persons. 1437.

In the year 1457, the general council decreed that there should be added to the twenty-five, on certain occasions, a more numerous council, called the council of fifty or sixty, the members of which were in 1460 presented to the assembly of the people, for their approbation. 1457. 1460.

This second body received many augmentations, according as its functions rose into importance; and, from the example of the principal republics of Switzerland, having been encreased in 1526, to the number of two hundred members, it received the sanction of law, after the prelate's retreat, and was confirmed for ever in 1530, in 1534, and in 1536 by the general council, by which it became one of the bodies of the state. These variations are common to most establishments produced by liberty; different plans are tried before one can be fixed on. 1526.

At this period it was that the general council suffered itself to be deprived of the election of the counsellors, and that it was decreed that the

the *petty* and *grand councils* (*c*) should be elected one by the other, but only for the space of a year; at the expiration of which term, each should pass in review before the members of the other; *in order*, as the law expresses it, *that each may declare whom he will leave in office, and whom he will divest thereof.*

1536. It is already evident that these two bodies having over each other a power of expulsion, must naturally have felt the necessity of mutual indulgence. In effect, they began by expelling only those who had committed some grievous fault, and ended in never excluding any one. Thus from annual to perpetual authority the transition was imperceptible, and the two councils became, *ipso facto*, perpetual bodies, and independent of the general council, to which they had been indebted for their existence.

This perpetuity in offices, the bane of so many republics, the inevitable consequences of which

(*c*) The *petty council* is indifferently called *the council of twenty-five*, *the petty council* or *the senate*. Its members return to the council of sixty, and to that of two-hundred.

The *council of sixty*, of which there is but little mention in this history, is a body elected by the senate. It meets only for the discussion of foreign affairs.

The *grand council* and *council of two-hundred* are one and the same body; it is still called the *council of two-hundred*, tho' it now consists of two hundred and fifty members.

Finally the *general council* called indiscriminately the *sovereign council*, the *general assembly*, the *sovereign assembly*, the *assembly of the people*, or the *council general*: it is composed of all the citizens or freemen not under the age of twenty-five.

which escaped the eyes of the citizens, became the radical cause of the misfortunes of their country. Without any extraordinary depth of meditation on the revolutions of popular states, we may judge, that the period we are now arrived at, is, if not the most striking æra of the history of Geneva, at least the most proper to fix the attention of every man of just observation.

We see in what manner the syndics and their assessors became, gradually, members of a council for life, and that the latter were rendered independent of the people, by the law submitting the confirmation of every member of each council to the suffrages of the other. This reciprocal dependence caused the renewal of both offices to degenerate into an empty ceremony; and the general council, by entrusting the annual re-election (*d*) to bodies of men interested in the annihilation of that custom, saw the law respecting the annual change of the councils, fall insensibly into disuse. Hence we may date their depravation, the wounds given to public confidence, and the home-stroke received by the fundamental law, “*let none be in the office* (*e*)
“*that*

(*d*) The word *grabeau*, in the original, taken from the laws of Geneva, is derived from the obsolete French verb *grabeler*, which means *to sift, to examine carefully, to canvass*.

(*e*) Some have dared to assert in print, that this principle, set forth in a general manner, was a *base falsehood*, because the legislator applied it only to the election of the lieutenant of police; and yet the law concerning the election of the syndics concludes also by these words, *so*
that

“ that is not agreeable to the people ;” hence the violation of political liberty, the attacks on personal safety ; hence the convulsions and proscriptions at the beginning of this century ; hence in a word all the revolutions, which this history proposes to delineate. Every page will be found pregnant with proofs of this important truth, that offices for life are to commonwealths, what Pandora’s box was to human nature.

The magistrates, whose first view in seeking to extend their power was simply the public good, soon learned to look on that power as a family property ; such is constantly the progressive march of all companies and bodies of men ; none can remain within their proper limits, if allowed an opportunity of transgressing them.

This tendency of the councils to perpetuity produced an effect no less dangerous. As soon as the senate became permanent, it was its interest to weaken by degrees the authority of its annual presidents, and to convey to its own body, in whose election the people had no share, the great but transient power of the four syndics, annually chosen by the citizens.

This

that none be received that is not approved by the people. This positive obligation, imposed on the administrators of the nation to render themselves agreeable to their constituents, was therefore addressed not only to the lieutenant, but also to the syndics, and to all the officers in the people’s nomination ; officers who were then, and would still have remained, the only important ones, had the general council been able to preserve the right of choosing them indiscriminately from amongst all the citizens.

This innovation must naturally have been cherished by these heads of the state; as they had a flattering prospect of being, if not legally, at least in reality, counsellors for life, and as they could be syndics only every fourth year, they felt less sensibly the necessity of gaining the public confidence and approbation. Thus was broken the main spring which secured the people's obedience, the moderation of their leaders, and a respect for the voice of the public.

All the misfortunes of the citizens have therefore originated in not keeping in their own hands the right of making the councils temporary. This first fault committed by the people ought not to appear surprising; they had never yet had an opportunity for the exercise of political knowledge; the councils appeared in their eyes but as bodies acting under the direction of the syndics, and the latter as demagogues, that had strenuously asserted their rights against the prelate. They could not easily foresee the ascendancy the senate would assume over the syndics, and how much the syndics themselves would be interested in conveying all their own authority to the senate, to weaken the effect of the right of annual removal, which the general council had reserved to itself over the four chiefs of the republic.

We have seen that community of interest had dispelled all species of rivalry between the two administering councils; the grand council was the nursery of the senate, and each member of the two hundred thought he laboured for his own future greatness, by labouring for that of the body of which he was ambitious of becoming

ing a member. The council of two hundred became thenceforth the blind interpreter of the will of twenty-five persons: all hope was lost of seeing in that council an intermediate power between the people and the senate; and far from stemming the torrent of aristocracy, it became its principal source.

One proof of the speedy degeneracy of this body, was the species of disuse into which it let fall, almost from its foundation, its right of *proposition*, which the senate reduced to a mere shadow, by obstinately rejecting all such motions as clashed with their private views.

An able minister has judiciously observed, that “a good government should be a *chain of innovations.*(f)” Though permanency in forms be more requisite in small republics than in great states, it is necessary however they should lop off abuses: in Geneva they were ever taking deeper root, because the body, whose duty it was to extirpate them, was the one interested in their growth.

To render inefficacious the right of proposition which the members of the grand council were possessed of, was to provoke the generality of the citizens to have recourse to the right of representation. To subdue the grand council before they had effectually mastered the people, was aiming at oligarchy without having secured aristocracy; it was a retrograde motion; it

(f) *The interests of France with its neighbours* by D'Argenson.

it was hazarding at once all the fruit of so many exertions.(g)

In tracing therefore the gross faults committed by the senate in the first moments of exercising

(g) The council of two-hundred still meet the first Monday of every month to make propositions for the public good ; but since the senate has insensibly possessed itself of the exclusive right of examining these propositions, the members of the grand council are either silent or not listened to. An able politician might have seen, that far from making any sure advances towards aristocracy, the two hundred, by designedly letting slip that important prerogative, would on the contrary invite the generality of the citizens to take in hands their own interests. The members of the aristocracy of Bern displayed more policy. They succeeded in preventing their authority from appearing formidable by suffering the right of proposition to remain in the most numerous body of the state.

Amongst other facts demonstrating the dependance wherein the senate of Geneva held the council of two-hundred, the two following are curious enough.

In January 1589, the grand council having rejected counsellor *Magistri*, at the annual re-election of the council of twenty-five ; the latter resolved, that, *in consideration of the important services he has rendered in his office, there is reason to reinstate him therein* ; a resolution which took place, without its appearing that the grand council made the least remonstrance against it.

Another time, the grand council having excluded two members of the senate, the latter body came to a resolution that they had been expelled without *legitimate cause* ; and the two counsellors remained in office.

It is true that, towards the middle of the last century, the grand council made some efforts to shake off this dependance ; and that its efforts were productive of a rupture in 1667 ; but, as the accounts we have of this matter are somewhat contradictory, and as it had no direct influence on the succeeding revolutions, it is useless to speak of it.

cising their authority, it would perhaps be more just to lay to their charge only those slight infractions into which men are hurried by a lust of exclusive distinctions, than to suspect them of a system of usurpation premeditated in obscurity, and brought to perfection, sometimes by dark intrigues, sometimes by open boldness. In perusing the revolutions of republics, we often see authors of reputation taking pains to blacken human nature, and to represent as the crimes of purposed reflection what were perhaps but the errors of a moment's ambition and the illusions of vanity.

1427. On the creation of the petty and grand councils, the community had entrusted the administration to them with a species of unlimited power, *except in difficult and state cases, deserving the eye of the general council.*

Who could imagine that a clause of such importance, so frequently repeated in the same century, should have precipitated the attacks which threatened the general council ?

1540. Its members had not the least doubt that the people, who had enacted this clause, would remain sole arbiters of the question; *which are those important and difficult cases* which they intended to reserve to themselves ? This persuasion threw them into a kind of lethargy, of which the senators delayed not to avail themselves, and in the year 1540, they came to the resolution of asking from the lords of Bern their plan of government, intending, as they said, to adopt it for the administration of the republic ; their request

quest was unsuccessful, and the lords alledged in answer that there was no analogy between the two states, and *that Geneva was governed by the people.*

At this answer fraught with wisdom, and restorative of the idea of the people's rights, the new-born aristocracy dextrously shrunk back. Thence forward it indulged no hope but that of slowly improving whatever circumstances might be favourable. To pave the way, its first care was to weaken the legislative power of the general council, and to rob the citizens of the right of laying their propositions immediately before the assembly of the people. The senate wanted to engross the exclusive privilege of preparing the laws, and succeeded in getting a law enacted in 1568, that *nothing should be moved in the council of two hundred, without being previously debated in the petty council; or in the general council, without having been previously debated both in the petty council and that of the two hundred.* 1568.

This law had been rejected in 1539. The aristocracy, by the insertion of it in the first code, made a gigantic stride: it engaged the sovereign council to fetter itself with shackles the more artfully contrived, as the grand council, which had formed them, placed itself in a subjection to the senate similar to that in which it placed the sovereign assembly to itself.

The general council still possessed however, not only the right of electing its principal magistrates, but also that of choosing them indiscriminately from amongst all the citizens, and of annually

nually giving to the councils presidents of its own nomination. This privilege might have become the palladium of public liberty ; but here we discover the dominion of a certain indolence of mind which suffers nations, as well as individuals, to neglect a vigorous assertion of their rights : the Genevese grew insensibly habituated to choose their magistrates only from amongst the members of the councils ; and 'tis easy to judge that this dangerous propensity to regard these councils as the flower of the nation, was a powerful encouragement to their enterprizes.

This sketch of the progress of the senate's authority is that of every state ; in all governments, those members of the state that have a permanent existence and assemble daily, terminate by an encroachment on the power of superior members whose meetings are infrequent and undetermined ; the reason is evident ; being ever at hand to improve the slightest circumstances that can contribute to extend their prerogatives, they pursue their projects from generation to generation, and, after a certain revolution of time, convert a neglect of claim into a positive acknowledgment, into a formal title.

Never should a free people lose sight of this maxim, *principiis obsta, nip the evil in the bud*. This moral principle is of still greater importance to nations than to individuals ; unimportant rights are the first invaded, and well-meaning people are scarce ever roused to an open insurrection, unless their grievances cry aloud for redress

redress. "Excessive vigilance," says *Rousseau*,
 "would be a reproach to them; they would be
 "accused of being ever ready to take alarm
 "for trifles."

The history of Geneva is a striking example of this truth; the magistrates succeeded so well in their projects, that after being in the strictest dependence on the community, they rose, in their turn, to hold it, as it were, in guardianship, and to strip it insensibly of most of its prerogatives. Their continued efforts were crowned with such success, that the senate is now at the head of every department in the state.

Finances, police both internal and external, judicial and executive power (so rarely united, so formidable in their union) military power, distribution of employments, preparation of all the laws, every operation that could be embraced by many different bodies together, have been collected by the senate into their own sphere. In fine, since the beginning of this century, there has not been a profession in Geneva, not a society instituted for any purpose of utility, not even a public meeting for pleasure, into which the senate did not introduce their members as magistrates; nor did they stop until all was subject to their sway, religion itself not excepted; and having acquired all, we may judge they would labour to preserve their acquisitions. (*h*)

C

After

(*h*) 'Tis that accumulation of power which has made a modern author say: *that if any thing should appear surprising,*

After casting an eye on the infancy of the republic, and the first vicissitudes of its government, the reader's curiosity will doubtless be raised, to learn by what means the magistrates so long blinded the people to the progress of their growing usurpation.

Never could they have wrought so rapid a change in the stamina of the constitution, had not their projects been wonderfully seconded by circumstances; but during the fifteenth and sixteenth centuries, the uninterrupted enterprises of the house of Savoy had nearly concentrated the attention of the public to that point alone; the people would necessarily remain passive, and confide in the measures of the councils, whose authority must ever encrease in the time of public danger.

During this long interval, the city was almost continually occupied by foreign troops, and the many means of oppression the senate was furnished with, rendered the complexion of the times too delicate, for the citizens to hazard a claim of the people's rights. Besides, called forth to exert the most heroic efforts to preserve their liberty abroad, they placed all their glory in success, and never once suspected that the duties of patriotism imposed on them a new task at home.

The

prising, it is not the abuses with which the senate is reproached; but, that with such power for oppression, its measures were not more oppressive.

The wars with Savoy not only diverted the attention of the Citizens, but also unhappily required a military discipline, the severity of which ever contributes to support and extend the power of the chiefs.

In fine, as soon as the state was free, the activity of the magistrates changed its object, and in the defence and encrease of their own prerogatives, they displayed all the ardor they had exerted against the enemies of the state.

On the other hand, the protestant religion, before it rose up against the prejudices of despotism, was at first favourable to power; obedience in religious matters naturally disposed the people to obedience to their magistrates. The reformed clergy were closely connected with administration; the rich destined their sons indiscriminately to civil or ecclesiastical functions: it is easy to judge what advantage government reaped from these family arrangements, and that the clerical influence joined to administration, must form one of the principal links in the aristocratic chain.

But all these means would have been very ineffectual, had not the senate superadded the most powerful of all, a gentle and moderate exercise of their authority. As their power existed only in the public opinion, they artfully applied themselves to captivate the people's affections by the affability of their manners; hence originated a species of *patronage*, somewhat analogous to that admirable institution which in Rome attached a certain number of clients to personages of consular dignity.

1650.

Long had the senators of Geneva made it an essential duty to answer frequently at the baptismal font for the children of citizens, whose patrons they thereby engaged themselves to become. They found by experience that such manners were the bulwark of their authority, and such was still the basis of their influence towards the close of the last century.

It is easy however to judge that this was rather the fashion of the day, than the result of an establishment founded in law. Besides it was inconsistent with the views of administration to grasp too openly at the rights of which it was secretly plundering the people; such a step would have roused them to a sense of their losses: in consequence, we find nothing in the ancient edicts, but notices of the formalities observed at elections and in case of oaths; they are filled with minute details relative to the most nugatory objects, but we find the utmost sterility with regard to such as it was most important to determine. The distribution of the principal powers is no where to be found in them: they are the regulations of the police, rather than the political constitution of a republic.

The essence of a wise democracy was notwithstanding still preserved; the citizens still perceived in it their sacred principle; *Let none be in the office that is not agreeable to the people.* (i) Political equality rested on the basis of this inestimable law; *As behoves a good police, all should be content with the quality of citizens and freemen, without wanting preference for themselves, or assuming*

(i) The edict of 1568.

suming any authority over others, but what they are entitled to by virtue of an office. (k)

What anxiety this opposition between the legislation and the progress of government must have given the councils, is evident. As long as the rights they assumed wanted the sanction of express laws, they could never call them their own; and a discovery of abuse was sufficient to entitle the citizens to reclaim the exercise of those rights into their own hands.

This period was anticipated by the councils themselves, eager to enjoy their conquests. They dropped too soon the mask of popularity which had concealed the progress of their encroachments, and which alone could obliterate the remembrance of them. By this indiscretion they ran the risk of losing their acquisitions with more rapidity than they had been gained; the citizens eyes at last were opened, and a delineation of the causes that operated, at the beginning of this century, to regenerate the spirit of liberty, is not less important than that of the circumstances that combined to extinguish it.

Towards the close of the last century, the spirit of philosophy began to diffuse itself throughout Europe. Perhaps it transgressed the limits by which it should have been circumscribed, but it had eradicated many prejudices. The right of resistance had been formed into a system, by the English; they freely philosophised

(k) The edict of 1555.

1649. phised upon the respective duties both of prince and people. Though the English legislature alone had profited by this impulse of the spirit of liberty, the mist of superstition began to be universally dispelled; and Geneva, after serving as a nursery to the reformation, seemed destined to become the seat of philosophy.

Amongst the regenerating causes of the love of liberty, that which had the most powerful influence was, undoubtedly, the considerable number of foreigners, who, since the æra of the reformation, were admitted to the rights of citizens. It is easy to conceive that nothing but extreme scantiness in the finances could force administration to add to the number of the general council, and consequently to enable it to preserve its influence. (1) These numerous and successive receptions of new members not only filled up the vacancy which the population of a state like Geneva,

(1) *Bonniward* tells us that before the arrival of these first emigrants from France, the city was so thin of inhabitants, and their misery so excessive, that grass grew in the streets, and that tenants could not be found to take the houses even at the expence of keeping up the roof. The same author has given us in his *treatise on the ancient and modern police of Geneva*, a speech which a first syndic, named *John Lambert*, addressed to those who were complaining that so many French were admitted to freedom. *I am greatly astonished*, said he, *at your unwillingness to receive these strangers. How many are there among yourselves, who were not 'aliens to this city, within these hundred years?*

In the 15th century were made free,	2485	} Heads of Families.
— 16th — (amongst which were but 16 natives)	3222	
— 17th —	874	
In the present, to the year 1782,	730	

neva, nearly confined to the limits of a town, must necessarily experience ; but also prevented the aristocracy from concentrating, the spirit of liberty from being extinguished, and made the acts of the sovereign council become still more expressive of the nation's wishes.

After the repeal of the Edict of Nantes, a considerable number of the reformed, persecuted in France, had taken refuge in Geneva, and, along with that warmth of character which persecution inspires, had brought with them the love of spiritual and temporal liberty, at whose shrine they had offered the greatest sacrifices. 1685.

This mixture of strangers was productive of a species of fermentation in the people's spirits. The refugees had brought with them new resources in commerce and the arts ; the Genevese turned those to advantage, and the people became thereby less dependent on the rich.

The reformed had in particular brought with them that spirit of discussion, the offspring of controversy which had occupied them in their own country. In Geneva, sheltered from religious persecution, that spirit of disquisition was naturally turned to science and politics.

The protestant religion was soon purified, and the love of temporal liberty gathered new strength ; the despotic empire which the magistrates and pastors exercised over opinions, diminished every day, and already the time was no more says, the sage historian *Berenger*, "when, "*thro' fear of appearing impious, no man dare shew the citizen.*"

Thus

1700. Thus towards the close of the seventeenth century, the members of the general council began to make their rights and their losses the topic of conversation; several citizens already discovered genuine sparks of the spirit of liberty; but many were their trials, before this instinct had ripened amongst the greater number, into a lively, deep, and rational sentiment.

External tranquillity had produced in Geneva the same effect as at Rome. Disengaged from wars without, the citizens turned their attention to affairs within, which they had hitherto been constrained to neglect; the national character was inclined to political and private economy; they devoted themselves to arts and commerce; and though this new species of existence required a change in the political regimen, it was not productive of any, not even in the manners of the heads of the state.

Though the patronage had been originally established on the principle of protection, it had at first nothing in it that could wound the feelings of a plain people, over whom their magistrates, by their places and studies, had a great ascendancy. But when prosperity in arts and commerce had perfected private education, the revolution in manners was entirely to the advantage of the citizens; they could easily perceive that solid knowledge was their best resource; and soon became as enlightened as their magistrates.

The

The latter, instead of looking with contempt, as they did, on this rapid encrease of knowledge in the people, should have redoubled their exertions to preserve the empire of confidence, of abilities, and of persuasion, over citizens now become their equals; but instead of binding the ties which had strengthened their credit with the public, by captivating manners, the principal families gradually renounced those ties and henceforward 'tis by the reputation of their names we shall see them defend their posts.

In fine, on the elections of the grand council, government imprudently let pass unnoticed men of obscure rank, but distinguished abilities, who, wounded by such an exclusion, delayed not to cast an eye of censure on an administration that had reason to dread a scrutiny.

This general emotion was seconded by local causes which influenced the events: the city had been enclosed, and the number of the people was considerably encreased; the citizens dwelt nearer to each other, and the necessity of perfecting the arts rendered their communication still more necessary; the lower part of the city became the abode of the artists and traders; the rich, to avoid being mingled with them, retired to the hill. They had obtained a repeal of the wise law, that two syndics should be annually chosen in the higher, and two in the lower part of the city. Thenceforth the magistrates, becoming more distinct from the mass of the people, neglected them, grew every day less acquainted with them, and for that reason were themselves more jealously watched in their political conduct.

There

These distinctions, this marked separation, recalled to the people's remembrance the equality established by the laws; they saw it more and more destroyed by the inequality of fortunes; they at last resolved that it should not be lost.

Such are the general causes which paved the way for the revolution of 1707, and induced the citizens to unite insensibly into a body of observation over the senate.

They trembled at seeing, that, not only almost the whole mass of power had imperceptibly passed into the hands of the least numerous body of the republic, but that besides, the councils were filled up by a few families, who exclusively engrossed the employments. Eight of the name of *Buiffon* were reckoned in the councils; three of the name of *Trembley* (*m*) in that of twenty-five; and senators places were so entirely looked on as an hereditary patrimony, that, between two brothers the right of seniority was a title which always took the lead of the most distinguished merit.

This partition of the authority between a few families was the determining cause of the claims, in 1707: the hereditary aristocracy, by its daily concentration, raised against itself a general outcry. The abuses of this kind of government

(*m*) The third; tho' but a youth, was preferred to *John Sales*, who had distinguished himself in several employments of judicature, and was one of the most celebrated lawyers that have done honor to the republic.

government are attended with consequences more fatal than extreme democracy, because it incessantly verges towards oligarchy, and necessarily leads to family factions. We may therefore infer, from every circumstance, that, had not the people hastened to humble the most powerful, they would sooner or later have risen up against each other, fomented civil wars, and renewed, in a small city, the mournful scenes which the republics of modern Italy had exhibited to Europe, a few centuries before.

THE

THE
REVOLUTIONS
OF
GENEVA.
PART I.

CHAPTER I.

The REVOLUTION of 1707.

CHAP.
I.

THE causes we have mentioned were in themselves sufficient to prepare a revolution, but it was undoubtedly accelerated by some particular circumstances unknown to us, from our ignorance of the anecdotes of these times. Inactivity on one side, and usurpation on the other, could no longer last: the people's spirits were like combustibles; the ardent genius of a single man might produce an explosion: the love of liberty is an active fire; even when it is concentrated, a slight collision is sufficient to strike out the latent spark.

The

The first complaint of the citizens (*a*) was grounded on their being forced to give their suffrages *viva voce*, in the general assembly; a proceeding that facilitated seduction, and restrained the freedom of the electors, by placing them in view of the persons on whom they might happen to depend. Besides this usage had been reformed fifty years before, in the council of two hundred, at all elections held there; the citizens therefore, founding their claim on propriety and justice, demanded that this reform should be adopted in the general council, and that balloting should be introduced. The claim is humiliating it is true, but it sufficiently proves the enormity of the abuse, and demonstrates how much the magistrates overawed the people (*b*). The chiefs appeared

CHAP.
I.
December
1706.

(*a*) I don't speak of the representations of 1704, in which they demanded the abolition of several considerable taxes laid on wines. The grand council repealed immediately, successively and *as never having existed* all the decrees remonstrated against, so that no vestige of these grievances remained.

(*b*) We may date from the moment the citizens obtained this demand, the perfect freedom of voting in the general council; a freedom which was revived and preserved by introducing the ballot. To be enabled to form a judgment of this, it will be sufficient to state the following facts.

1st. That since the introduction of the ballot, not a single example of corruption, not even the reproach of such an attempt has been known in Geneva.

2d. That from thenceforward the popular party has ever had the majority in the elections of the general council of nearly three fourths of the votes.

3d. That finally, the partisans of aristocracy, ever intent on wresting from the people their rights, by misrepresenting

CHAP.

I.

appeared extremely disturbed at the representation, the people were informed that they were preparing to express their disapprobation of it, this news justly encreased the discontent of the citizens who began to awaken from their long lethargy, and without well knowing as yet which was the unsound part of the constitution, often conversed together on the means of an effectual remedy.

The

presenting the use made of them, could never find in the exercise of the ballot the slightest pretext to colour opposition to it.

This question, discussed in Geneva at the beginning of the last century, has recently been the subject of debate in one of the freest states of Europe, and the best situated for the preservation of liberty, provided it knows how to estimate and enjoy it truly. The happy effects of the ballot in Geneva have been urged as a proof of the advantages which would arise from its being introduced at elections for the representatives of the nation. But yet opinions of the highest authority have maintained the contrary, and with great energy reprobated the ballot, as an innovation not only useless but dangerous.

“What comparison, say they, can be drawn between Geneva and our state, the great difference in the extent of territory and government considered? Geneva, a democracy, adopted the ballot, because it was a democratic institution; but is it fit that we, who understand our own mixt form of government, should correct it according to that of Geneva, of which we have but an imperfect knowledge? Were the ballot favourable to liberty, would it not have prevented the total subversion of that small republic, the fall of Rome, and slavery of Sweden? Had balloting been favourable to liberty, we should have seen the United Colonies eager to adopt it, whereas they were almost unanimous in rejecting it.—They felt with reason that it suited the open character of a free people to give their suffrages openly.”

The'

The introducing of ballotting was their principal, but not their only object; to break the dependence in which the senate held the council of two-hundred, and the union of principle which connected those two bodies, it was the wish of some citizens that the latter should be self-elected, and that the number of persons of the same name and family that might enter into the magistracies, should be limited. Others demanded the publication of all the laws, that every

Tho' we have not the most distant idea of applying the police of a small city to the political constitution of a great kingdom, we are far from considering the ballot as a democratic institution. The ground-work of every real democracy is civil and political equality, and it is evident that where no influence of rank, no corruption of riches is to exist, the introduction of the ballot becomes unnecessary. An institution tending to establish order, to banish democratic parties, tumults and quarrels, cannot therefore be called democratical, unless this name be given to it, for expressing too faithfully the wishes of the people; that however would be a whimsical argument to alledge against it.

Neither is it well founded to accuse the ballot for not preventing the destruction of Geneva. That republic was invaded by an armed external force, and what politician but knows that France never attempts open violence, 'till she has in vain exhausted every resource of venality and corruption? To complain that ballotting did not rescue Geneva from the outrage of France, would therefore be to complain that ballotting afforded not absolute security against every species of violence whatever.

The instance of Sweden is not mentioned on better grounds; it is a certain fact, that if ballotting did not prevent, at least it retarded, her destruction. The diet of 1765 affords a striking example; the citizens, grown too corrupt to reject the presents of France, but still preserving integrity enough to guard against their influence, resolved publicly to receive the presents, but to
vote

CHAP. every subject might be acquainted with his
 I. rights, as well as his duties to the state.

These claims were supported by zealous and enlightened partizans, The citizen *De la Chanas*, who had drawn them up in the form of a petition, laboured with activity to make their justice felt; and took down at the bottom of the propositions the names of such as approved of them.

Jan. 17, The grand council, informed of his proceed-
 1707. ings, summoned him, censured his conduct severely, and announced to him that *his writing should be suppressed with the signatures, and no cognizance*

vote notwithstanding according to the dictates of their conscience. This resolution had the desired effect; it put a stop to the manœuvres of the French minister, by keeping him in distrust. If it did not effectuate the entire preservation of Sweden, it is because the resolution came too late, her calamities were so confirmed by the gold of her neighbours, it was impossible to escape the chains prepared for her.

That twelve of the thirteen United Colonies should have declined the ballot, is less a satire on the institution, than a panegyric on the American legislators. They would undoubtedly have been unworthy of framing laws for a new people, had they treated them as corrupted before their establishment as a nation, and had they supposed corruption to lurk, before any traces of disease had appeared. Ballotting is a sure but disagreeable remedy; it is not to be recurred to until the symptoms of venality become alarming; it must then be adopted, *to check bribery by distrust*, as Rousseau says, *and to furnish knaves with means to avoid being traitors.*

cognizance taken of those who had subscribed to it.(c) CHAP. I.
 In consequence, his petition was seized on and carried to the house of the first syndic *De Normandie*, who committed it to the flames in his presence. (d)

This proceeding raised the indignation of the citizens, and was considered as a stigma by those who had signed the suppressed propositions: about five hundred of them made their complaint, the next day, and demanded reparation *for an opprobrium cast*, as they said, *on those who had signed.*(e) The danger appearing imminent, the

(c) The registers of the senate of the 11th of January run expressly thus; *That no notice should be taken of the contents of the petition written by De la Chanas, even were they proper, but that the proceeding alone should be considered &c. &c.* We shall see hereafter that the senate never departed from this unjust and dangerous maxim.

(d) *De Normandie* had the baseness to deny this proceeding, and the impudence to assert that it was *De la Chanas* himself who burnt his own writing; we may easily judge he was not believed.

(e) It was not only a personal insult to them, but they also justly considered it as an attack on their sacred right of representation; for a right to the end supposes a right to the means of compassing that end, and the people should therefore be left free to choose whatever measures are not illegal. Now, as signing petitions was not forbid by any edict, it was therefore lawful, and even were it dangerous, the proceeding of the first syndic was not the less provoking. To regulate that question, the councils erased from their registers the injurious terms which they had made use of with regard to *De la Chanas*, and it was decreed "*that petitioning with signatures was a dangerous measure,*"

CHAP. I. the senate sent them a numerous deputation from its own body. The syndic *Chouet*, who headed the deputation, found it impossible to appease them, until he declared that commissaries had been appointed to examine their propositions; he added that, as these commissaries could not possibly confer with the entire body of citizens, it were eligible that the latter should also appoint such as they thought most capable of discussing the points in question, in the name of all, previous to their being laid before the general council.

Even then there existed one truth deeply engraved on the hearts of all the magistrates; that the general council was the supreme power on which the administering bodies depended, and that the latter could not dispense with consulting it in case of a general discontent.

The citizens had yielded to the invitation of the senate, they had chosen delegates; and it was by an imitation of this example afterwards that they defended their liberty with that spirit of union, order and wisdom which has so much distinguished them from all other people.

Amongst their delegates, were men remarkable for their integrity and abilities. Advocates *De la Chanas*, *Le Maître*, *Revillod*, *De Lolme*, *Piaget*, *Marcet*, and *Dentand*, were particularly deserving the choice of their fellow-citizens by the purest patriotism

“ sure, but that one or many citizens might address propositions or complaints in writing to the syndics or the attorney general, who should not delay to present them, and that they should be taken into consideration as soon as possible.”

triotism. But the most distinguished of all was CHAP.
I.
advocate *Fatio*, an able lawyer, and a member of the grand council, who had served with applause in many magistracies. (*f*)

Fatio saw well that the objects the citizens demanded were but weak and momentary palliatives. He discovered that the evil originated in the inaction in which the general council, the only body in the state that could prevent government from tending to aristocracy, had been left for an hundred years. He sought to reinstate the council in its quality of arbiter of the questions that might arise between the people and the administrators, and to bring the latter back to the wishes of the constitution. 1707.

For this purpose, he bethought of reviving the periodical meetings of the general council, and demanded an annual convention of it every first of June, to take into consideration the propositions that every one might have to offer for the service of the state.

Of all their demands this was the most important. Were it once obtained, the general council would have annually afforded a speedy and effectual remedy against the usurpations of government, and even against the excesses of zealots for liberty, if ever any started up. *Fatio* also required not only the publication, but also a revision, of all the political and civil edicts. The collection of 1568 had not been yet printed;
D 2 ed;

(*f*) He had been auditor, judge of St. Victor and Chapter, and keeper of the castle of Peney. His eldest brother was a privy counsellor.

CHAP.

I.

ed; not through forgetfulness in the councils, but in consequence of an express deliberation the day after the ratification of that edict. Their motives for concealing from the citizens the knowledge of laws which would have pointed out their rights, may be easily conceived. The publication of these edicts was their lawful right; *Fatio* justly demanded that each individual should be acquainted with the laws under which he lived, and, as several articles were fallen into disuse, or had been replaced by customary violations, he proposed that the sovereign council should appoint a committee with power to revise them, to suppress such articles as were repealed or useless, to explain such as were obscure, and to distribute the work beforehand to the members of the general council, to receive their observations (g). We shall hereafter see that the refusal which so lawful a demand then met with, was the source of all the dissensions with which the republic is torn at this day.

However whether *Fatio* saw that his contemporaries were not enlightened enough to fulfil his expectations

(g) The citizens had their propositions printed. Here are the terms in which that of the code was conceived: "Let a committee be appointed for the purpose of revising the edicts, suppressing such articles as are repealed or useless, and illustrating those that are obscure; and let there be added thereto whatever will be judged necessary to render them complete and more useful to individuals and the public in general, both by compiling the different regulations and customs practised to the present time, and otherwise, as shall be agreed on; and let said edicts thus revised be printed and distributed as a plan to the people six weeks before the first meeting of the general council, in which the report of the said committee must be made."

expectations, or that he perceived he was not yet in condition to effect the reform, which the state so much wanted, it appears he from that time employed himself solely in preparing the way for the succeeding generation, of which he conceived better hopes.

It was probably with this view he proposed that whenever a representation was supported by fifty citizens, ten members of the grand council and three senators, the councils should immediately take it into consideration, and whatever were their decision, submit it in fifteen days to that of the general council.

This new proposition, tending to stop the abuse of power, could not fail of being disagreeable to the committee of the councils, who were already obstinately bent on opposing most of the people's demands, and were taking measures to tire them out; but the more zealous of the citizens were at last irritated by these affected delays, and the senate could no longer refuse them a speedy convocation of a general council, which alone could make the public agitation subside. Yet before they appointed a day for this convocation, they left no means untried to engage the citizens to desert their delegates and to withdraw their propositions. "Your chiefs, said they, have no view in calumniating your magistrates, but to arrive at magistracy themselves; the tyranny of which they accuse us, and pretend to be desirous to free you, is their only object."

CHAP.

I.

To these discourses they added those of the pastors, who for a long time had thundered from their pulpits against the love of independence.

These declamations only served to fow the people's minds. The senate, alarmed at the alienation of their affections, had solicited the interposition of the cantons of Zurich and Bern, allies of the republic. These two cantons sent deputies, and the senate requested their presence at the general assembly, in hopes that it would overawe the citizens.

May 5.
1707.

The nation was still deliberating in the general councils, and the syndic *Chouet* had opened the debates by a discourse, of which it will be proper to cite some passages; they serve to shew the light in which the councils themselves at that time beheld the constitution.

MAGNIFICENT, MOST HONORED AND
SOVEREIGN LORDS,

*"TO whom or to what body the sovereignty of
"our state belongs, is not a question that ought or
"even can be proposed amongst us. That it belongs
"to this council must be universally acknowledged,
"to doubt it were a crime. 'Tis therefore to this
"council alone that all the rights of sovereignty truly
"and actually belong; such as the legislative power,
"that of electing magistrates, the right of declaring
"war, or making peace, that of coining, that of
"raising subsidies, or levying taxes on the people.
"All these rights of sovereignty, all these powers
"are*

“ are so entirely the property of this general council, CHAP.
 “ that if any other bodies or individuals, however I.
 “ numerous, should undertake to attribute them to
 “ themselves, we scruple not to say that such in-
 “ dividuals or such bodies are guilty of high trea-
 “ son.”

“ A careful distinction should be made between the
 “ right and the exercise of sovereignty ; for a so-
 “ vereign preserves the right, tho’ he transfer to
 “ whom he pleases the exercise and functions of it.
 “ This sovereign council, by transferring the exer-
 “ cise of sovereignty, has not abandoned, has not
 “ relinquished its right ; it has preserved and still
 “ preserves it undiminished ; but it has created ma-
 “ gistrates only to perform, in its name and with
 “ the sanction of its authority, functions which itself
 “ cannot easily perform. Therefore when the syndics
 “ enforce the execution of edicts, or exercise an act
 “ of sovereignty, it is only in consequence of the or-
 “ ders they have received from this sovereign coun-
 “ cil, and because they in such a manner represent
 “ it, that it may even be said it is this general and
 “ supreme council that enforces of itself all such acts,
 “ but that it exerts them through the ministry of cer-
 “ tain officers or magistrates it has established who
 “ act only in its name and by virtue of its orders, &c.
 “ &c.”

The members of the councils and the pastors
 spoke after him, and expatiated on the dangers
 of civil dissensions, and on the respect due to the
 magistrates

CHAP. I. magistrates and ancient customs (*h*). The suffrages were not collected; this assembly came to no determination, and was adjourned to the 12th of May following.

May 12.
1707. The deputies of Zurich and Bern again assisted at the second general council (*i*). The senate announced their having chosen a committee of their body to examine into the advantages and inconveniencies attending the introduction of balloting into the general council: it was feared that this committee's views were only to protract matters. Some persons, particularly doctor *Chenaud*, reduced the different objects of the propositions to the following heads:

(*b*) There arose a long contest on the oath by which the senate would have bound the members of the general council; the latter considered it as an innovation, as an affront offered to the sovereign council, and as an useless ceremony, since they looked on themselves every instant of their lives bound by their oath as citizens. The syndics being desirous that the votes on this question should be given in a whisper to the secretaries of state, the auditor *Gallatin*, a friend to the people, declared that he would not proceed until it were previously determined, whether the suffrages should be given by ballot, or whispered to the secretaries. This opposition took up a considerable time, and grew very warm. The syndics dismissed the assembly and adjourned it for eight days.

(*i*) At the first meeting, *Fatio* had complained before the Swiss Ambassadors that their presence was a constraint on the deliberations of the general council. This noble boldness can only be compared to the greatness of mind that the ambassadors displayed, in never resenting it; they even refused to assist at the meeting of the twelfth of May, without the approbation of the general council, which unanimously invited them.

heads: a correct and pure impression of the political edicts, the introduction of balloting into the general council, some limitations in the number of persons of the same name and family to be admitted into the petty and grand councils, and some precautions against the influence of great families on the elections to offices in the department of the councils:— *Perdriau* demanded also a periodical convention of the general council every fifth or tenth year. The meeting was again dissolved, without coming to any determination.

CHAP.
I.

These propositions did not appear satisfactory to the principal citizens; the most essential of their demands were laid aside; no change was admitted in the manner of proceeding to the election of the grand council, though even the zealous partisans of administration had confessed that great abuses were committed in it, through the interest of certain families. In the election to employments in the nomination of the grand council, cousin germans of candidates by alliance were not disqualified from voting on the election of their relations; and a decree had been refused to prevent more than six persons of the same name and family from being at the same time in that body. In admitting the periodical assemblies, the councils had not consented to take the votes by ballot, as at elections. The publication of the laws was granted, but no mention made of the revision or new-modelling of the political edicts, the necessity of which had been proved by the delegates of the people; nor did they find therein that most material proposition, that every representation supported by fifty citizens

CHAP. citizens, &c. should be immediately carried to
 I. the general council. *Fatio* justly considered this
 law as the only means to lead the constitution
 insensibly back to its source, that is to say, to
 make government coincide with the wish of the
 people, but on that very account, the councils
 ever refused to accede to it.

Before the convocation of a third general council, for the final determination of all the questions proposed, the senate used every means to encrease the number of their partisans: promises, solicitations, flattery, every art was exhausted, to inspire the people with a distrust of their delegates, and to engage these latter to desist from their demands. They went so far as to attempt seducing them with money (*k*); they even succeeded in corrupting a citizen who enjoyed the confidence of *Fatio*, and secretly disclosed all his proceedings.

May 26, At last the councils laid before the general
 1707. council the propositions of doctor *Chenaud*, with some additions; amongst others that of counsellor *Perdriau*.

This tardy resolution was however rather perfidious, than pacific: for the senate, before they consented to this general assembly, had resolved,
that

(*l*) This is acknowledged in the registers of the senate of the eighth of March 1707 "It has been proposed, "are the words of the registers, to endeavour to do all "we can ourselves to put an end to this cabal, by prevailing on different individuals to act in opposition to it, "and, if it be found necessary, to expend some money for "that purpose."

that if the opinion of Chenaud were not approved, the matter should be laid anew before the councils ; it being to be hoped that the majority would be disgusted by the frequency and tediousness of these meetings. (l)

CHAP.
I.

They began by debating whether the votes should be given by ballot, or whispered to the secretaries ; the latter manner had a majority of forty voices to the great mortification of the delegates of the people, who began to see how considerably the efforts of the senate had weakened the party of those who had embarked in the public cause, and who ought, perhaps, to have profited by the hint. (m)

The first syndic then moved, that the propositions of the councils should be approved of in the gross ; but the delegates of the people opposed his motion with warmth, and insisted that each proposition of the councils, and also each one made by the citizens, should have a separate discussion :

(l) The registers of the senate, of the sixteenth of May, 1707.

(m) The auditor Gallatin wisely improved it, and was more politic in his conduct than *Fatio*. Tho' he had, in conjunction with him, drawn up most of the representations of the citizens, he perceived that they ought to rest content for the present with the redresses granted by the councils, and declared that " he looked on them as an equitable temperament, *since no person could afterwards call in question the sovereignty of the general council*. It is possible, added he, that there may yet remain abuses in the constitution ; but these abuses will hereafter be redressed. After having established our sovereignty, let us leave something to be done by future meetings."

CHAP. discussion: spite of their protests and refusal
 I. to give their suffrages, the syndics persuaded the
 majority to vote.

After having collected the voices, they proclaimed in the church, that the propositions had been all approved in the gross by a majority of six hundred and ninety-two, against thirty-seven. The delegates of the citizens instantly protested against this proceeding; they contended that the people had not approved the propositions themselves, but only the motion that they should be submitted in the gross to the suffrages of the assembly; they also complained that some articles were obscure, and that a considerable number of citizens, who retired to the farther part of the church, had not voted, or came too late to be acquainted with what had passed⁽ⁿ⁾; though the meeting was dissolved, three or four hundred persisted in remaining in the church.

The senate, elated with their recent success, and fired by the resistance of these citizens, resolved to force them to retire, and had the imprudence to send them orders to that purpose, by three companies of the garrison; the march of these armed mercenaries soon spread universal alarm through the city, and in every quarter a general cry was heard, *to arms, our fellow-citizens are butchered in the church.*

Immedi-

(n) There were 469 who did not vote at this last motion.

Immediately the women in distraction run with arms to their husbands that they may defend themselves if not too late; the wife of *Fatio* is at their head; she finds her husband peaceably exhorting his fellow-citizens to retire, in which he at last succeeds.

Mean-time this commotion and cry to arms struck a panic into the hearts of the magistrates; that instant they published a solemn amnesty(o), and ran through the city, soliciting the citizens to lay down their arms; the citizens, by consenting, displayed a moderation, which should have secured them from future regrets.

The Swiss deputies bitterly reproached the senate with using violent measures, at the moment its members had engaged them to treat with the citizens (p).

Since their arrival, they had discovered *that the councils views in refusing all amicable negociation*

(o) It declared *unimpeachable all those who had taken any decided part to that day, however irregular.*

(p) They had sent for *Fatio* to represent to him that the objects in litigation had been decided by a majority of the general council, *which was in their eyes the only sovereign of Geneva*; and they entreated him to draw off the citizens who had obstinately refused to quit the church. *Fatio* yielded to their entreaties, but the senate, without waiting for the effect of his exhortations, hastened to march out three companies from the garrison, with fixed bayonets. The Swiss deputies complained bitterly, that, by using coercive measures, they had been involved, whilst, at their solicitation, *Fatio* was exhorting his fellow citizens to retire peaceably.

CHAP. *on was to subdue the citizens, and to silence them by*
 I: *authority and fear(q).*

Some time after they wrote to their sovereigns in the following terms. "*The uniform system of the magistrates is to master the citizens by menaces and fear, pretending that the allies (who are however the allies of the general, and not of the petty council) are to second their designs: and in their private conversations they sufficiently evince their desire of sprinkling the scene with blood.*"(r)

4th. June 1707. They used every effort to dissuade the councils from this dreadful system: "Remember," said they at their departure, "remember that you are in peace, that fear is but a very weak curb to a free people, and that if they yield for a moment, it is but to rise with redoubled vigour. Above all be faithful to the amnesty yourselves have pronounced. The least violation of that sacred act, would wound the public faith, and expose your allies, since it is at our solicitation it has been made, and that our word is solemnly engaged."

6th. June 1707. After these salutary lessons the cantons remanded their deputies, and granted succours to the senate, who required them on pretence of their being necessary to guard against a surprise from the foreign troops which were soon to be in the neighbourhood of the republic. They al-
 ledged

(q) The German letter of the deputies of Bern.

(r) The French letter sent by the same.

ledged the report circulated, that Geneva was threatened, and that the confederate army was to march from Piedmont to Savoy and Dauphiny. Four thousand French were encamped within eight leagues of the city; in short the critical situation of Europe, and in particular of France, furnished them with a plausible pretext to colour this demand of troops: The senate however acknowledged to the magistrates of Bern, that they were intended for a check upon the citizens, who, they alledged, purposed to attack the latter decrees of the general council(s). Those of Bern might therefore conjecture that their troops would become the executioners of the citizens, and yet they not only countenanced (t) the senate's designs, but even, in concert with them, carefully concealed the real motive of these supplies from the people of Zurich, by whom it was discovered too late.

Though

(s) To unveil the whole of the senate's duplicity, it is sufficient to quote the registers of the 28th of May, *It has been declared that Fatio in haranguing the people, had taken pains to enumerate the advantages he had procured for them, and assured them that in particular he had secured their sovereignty, so that they must rest contented and submissive until the next general council.*—It was two days after this, that the senate demanded a supply of troops to overawe the chiefs, whom they represented as dissatisfied with what had been done. What a complication of artifice and falsehood!

(t) We may form a judgment of this from the following letter of the council of Bern to its deputies, dated the 1st of June, 1706.

“ We now intend, *in conformity, with our alliances,* to aid and assist with all our power the *General Council* of
“ Geneva,

CHAP.

I.

Though the partisans of aristocracy had succeeded in evading the principal demands of the citizens, they were deeply wounded by being obliged to yield in some points; and, however unimportant the restitutions they had made, they feared that in future they would be forced to greater concessions. They resigned themselves to that violence which the magistrates of petty republics discover when exasperated, and determined to strike an everlasting terror into the hearts of the citizens.

Scarce were the deputies of Bern at home, when they began to repent of their base connivance, and hastened to write to the senate of Geneva to suspend its revenge, to which the supply of troops themselves had sent, was a powerful

“ Geneva, whose power and sovereignty resides in the majority, and thus grant *to the magistrates* their reasonable demand. In this manner *on pretence* of external danger, three hundred men shall be thrown into Geneva *to assist magistracy*. &c.”

Strange justification! The allies of a free state have recourse to a pretence to fulfil their treaties; they acknowledge that by these treaties they are obliged to protect the general council, and they own that they send their troops *to assist magistracy*; a magistracy whose conduct they had so loudly condemned! Oh! men of Bern, what have been during this century your proceedings towards Geneva! continual protestations of a counterfeit friendship, perfidious succours and partial mediations terminated by an open oppression... and you still dare to honor yourselves with the title of Republicans, that title of which you have basely stript your allies!

powerful incentive (u). Their repentance came too late: *Fatio* had already been expelled the grand council, and this was but the prologue to the dreadful scenes preparing; the following days were marked by a great number of proscriptions and corporal punishments on the most zealous defenders of liberty, an exact list of whom the senate had procured (x). These operations had been intrusted by the senate to a *secret committee*, charged to pry into the conduct of the citizens. We shall immediately see how worthy of its office this chamber of inquisition proved itself, by its activity in performing the functions for which it was employed.

CHAP. I.

July 11,
1707.

The members of the senate, whilst they were thus busied in proscribing several families, sought to divert the attention of the citizens, and to stifle their remonstrances, by going amongst them and ordering public entertainments, from which

E

they

(u) *Permit us most honored lords, says their letter to the senate of the 17th of June, to take this opportunity most earnestly to entreat you to use on your side all the gentle means possible to restore a perfect tranquillity to your state. We even take the liberty to assure your lordships, that such deference and conduct will be productive of very favourable sentiments in the breasts of their excellencies your most faithful allies, and would calm the apprehensions of many persons of distinct on, who are somewhat uneasy on this head.*

(x) *Dentand*, one of the delegates of the people, was branded with infamy and sentenced to perpetual banishment. *Samuel De Livron* was condemned to death for accusing the senate of tyranny. Seventy-six persons of both sexes were sentenced to punishments more or less grievous: the loss or suspension of freedom, fines, banishment, flagellation, infamy, all was put in practice; every species of punishment was exhausted.

CHAP.

I.

they excluded the principal assertors of the people's rights, Having perceived that this exclusion was not offensive to the citizens, they only waited for the arrival of the garrison of Zurich, to give a loose to their revenge. It was thus they prepared to sport with public faith, and put in practice that detestable maxim of Lewis XI. *Qui nescit dissimulare, nescit regnare*. He that is unacquainted with the art of dissimulation, is a stranger to the art of governing.

The senate no longer hesitated to drop the mask, their deliberation of the 2d of August is couched in the following terms in the registers. Resolved, *That as long as we have the leaders of the disaffected amongst us, the state will never enjoy tranquillity, and that they will never be at a loss for pretences to stir up the people.*

August
18, 1707.

In consequence of this decree, *Le Maître* and *Piaget* were accused of a conspiracy, by which the government was to be changed, and the magistrates and garrison put to the sword: *Piaget*, aware of the fate prepared for him, was drowned in crossing the Rhone, endeavouring to escape from the senate who had issued a proclamation that whoever concealed him should be fined fifty crowns, declared an accomplice, and punished with death. *Le Maître* was condemned to die on the accusation and evidence of a single man, who by a former conviction had been rendered infamous, and foiled in three suits instituted by him
against

August
19, 1707.

August
23, 1707.

against *Le Maître*. (y) *Do with me what you please, I am not guilty*, exclaimed this unfortunate citizen amidst excruciating anguish of the torture. (z) When he came to the scaffold; *Almighty God*, cried he, *I die innocent, I do not ask your pardon for the crime that brought me hither, I have committed no crime. I am the victim of an atrocious policy.* CHAP.
I.

It was undoubtedly expected that he would be rescued by his fellow-citizens, but so formidable were the measures the senate had taken, that the inconsiderable number of patriots who might have attempted to save him from ignominious punishment, saw every hope of success frustrated. Six companies under arms surrounded the scaffold and lined the avenues. What could oppressed innocence and liberty avail, against power and violence united?

E 2

Piaget

(y) *Le Maître's* niece was condemned on the 21st of August to ask pardon, on her knees, of God, of the senate, and of *Brochet*, (that was the name of the false witness) for reproaching the latter *with having calumniated her uncle.*

(z) He refused to have recourse to the mercy of the grand council, for that would have been to have acknowledged himself guilty. His wife had recourse to it, without his knowledge, but ineffectually. When her husband heard the confirmation of his sentence, he congratulated himself on his not having the meanness to apply to the clemency of his judges. *It is now evident*, said he, *that the councils mean to gratify their vengeance on those who had generously devoted themselves to the public good; things must take their course, as reasons of state require it.*

Confess or not confess, cried the syndic *De Normandie* to *Le Maître* in the agony of the torture, *you shall at any rate be hanged.* The unheard of precipitation of his judgment is
a sufficient

CHAP.

I.

August
29, 1707.

Piaget was hung in effigy. *De la Chanas*, accused of having started questions prejudicial to the state, was stript of his freedom and sentenced to perpetual banishment.

August
17, 1707.

Whilst, in contempt of the most solemn act of oblivion, they were pursuing these odious measures, *Ratio* was well aware of the fate that awaited him; but, deaf to the entreaties of his friends, he scorned to fly; and when he heard the fate of *Le Maître* and *Piaget*, *I had always foreseen*, said he, *that they would one day fall victims to policy and revenge*. On his imprisonment, which failed not to happen soon after, four propositions respecting the public affairs were found about him (a). Tho' written by the hand of *De la Chanas*, and containing nothing criminal, they served as grounds for his accusation: his defence was noble, he prepared for the death that threatened him, and, like *Le Maître*, refused with manly constancy to have recourse to the mercy of the grand council.

Mean

a sufficient demonstration that no confession was expected from him. He was arrested on the 17th of August, tried by the senate on the 20th, the sentence was confirmed on the 23d in the council of 200, and he was executed the same day. His resolution never left him, an instant; the registers of the senate mention, *that the confirmation of his sentence did not appear to affect him in the least, and that he went to execution without paying any attention to his end*.

(a) I. *That no foreign troops be invited or admitted without the consent of the general council.*

II. *That neither the said troops, nor the garrison in pay of the community be employed to injure or subject the citizens who compose a free and sovereign people.*

III.

Mean-time was raised an universal cry of indignation at these atrocious scenes: it was known that *Steiguer*, one of the deputies of Bern, and the most distinguished personages in Switzerland, loudly condemned the senate's conduct, and termed the pretended crimes of *Le Maître*, *Piaget*, and *Fatio*, political fictions. This information, instead of preventing the senate from prosecuting their revenge, (b) did but accelerate the execution of *Fatio*. As the people, however, murmured at *Le Maître's* execution, an insurrection was feared, were *Fatio* seen publicly drawn to the scaffold, and, contrary to the laws and customs, they put him to death privately in prison. On hearing his sentence (c) pronounced

III. *That the grand council be elected in the first general assembly.*

IV. *That Fatio be immediately and honorably re-established in the council of two hundred.*

(b) Having been only informed that the expulsion of *Fatio* from the grand council was condemned at Bern, they resolved that *all communication with Bern on that subject should be broken off, and that no person should be sent thither, either in a public or private capacity, for fear of his forming a party.* Registers of the senate of the 14th of June.

(c) *Fatio's* crime, as mentioned in his indictment and sentence, was having taken part in the preceding seditions, having received his adherents into his own house, having had several meetings and entertainments with them, and having purposed to have another convivial assembly with a greater number . . . *Crimes meriting severe corporal punishment. For these and other just causes, moving said lords thereunto, having the fear of God before their eyes, and invoking his holy name, &c. &c.*

Who could have expected to meet an invocation to the Deity in *Fatio's* sentence?

CHAP.
I.

ced, he reproached the judges with their injustice, denounced the vengeance of heaven against them, gloried in being a martyr to liberty, let fall some tears when he pronounced the name of his children, (*d*) wrote his will, and died like a patriot.

Thus perished *Fatio* in the flower of his age, endowed with a manly spirit, the most extraordinary abilities, and a vast extent of knowledge. He the more deserved to be the darling of the people, as he owed his birth to one of those powerful families, which promised no support to the rights of the citizens. The train of succeeding events proved that he had thoroughly studied the interests of his country, and no reproach can be laid to his charge, but that he joined to an impetuosity of character too great a (*e*) confidence in the understanding and constancy

(*d*) One of his sons died general of foot in the king of Sardinia's service.

(*e*) Men of sense will perhaps condemn him for not joining with *Gallatin*, and for not appearing satisfied with the recent securities that the people's liberties had received: but it is the characteristic of men who have the public good at heart, never to stop whilst they have an advantageous point to gain. *Fatio* was too eager to reform the constitution of his country; his designs proved abortive, because he strove to complete the reform at once, and his fellow citizens lost not only their most illustrious defender, but, soon after, the most precious advantages he had obtained for them. Perhaps too he became a victim, less to his past exertions in favour of liberty, than to the future designs of administration against it, and to the abilities he was well known to possess.

John

stancy of his cotemporaries: he had lived for the defence of his country's laws, and his last breath asserted them when violated by his clandestine execution. CHAP. I.

He was compared to the virtuous *Gracchus*; but he had not, like *Gracchus*, the pleasing hope of being revived in a brother, courageous enough to defend the same cause: to the weakness he betrayed in abandoning him, his brother, who was

John Sales, a celebrated lawyer, a citizen endowed with extraordinary merit, and the most refined discernment, but of a timid spirit, had foreseen all that happened, and foretold it to *Fatio*, the 17th of May, in a letter which shou'd ever serve as a lesson to heads of parties. He commended his intrepidity, and thanked him for the generous care he had taken to withstand the efforts of kindred, cabal and patronage, and to secure to the citizens the exercise of their sovereignty. But I beseech you, added he, do not suffer to fasten on you the fault of the opposite party, who would not make any concessions. By grasping at all, you will lose the fruit of your labours. Does not prudence dictate to rest contented with what you can acquire without risk, rather than to hazard losses, by endeavouring to gain the whole of your demands? Good comes only by degrees: at one period one point is gained, at another we may acquire another. The whole tenor of this letter was a prudential lesson; it was a paraphrase on this maxim, as important in politics, as in morality: *utere non abutere*; use, but abuse not. It is to be lamented that *Sales*, who could give such good advice to *Fatio*, did not dare to support him by his own exertions. Unfortunately this letter was found amongst *Fatio's* papers, and became fatal to its author, who betrayed in it how much he had the cause of the citizens at heart. It shut against him the road to magistracy; and, spite of his virtues, his genius, and his services, he was refused the employment of a privy counsellor, and his name erased from the list of the members of the grand council.

CHAP. was a member of the senate, added the baseness
 I. to keep his seat amidst his executioners. (f)

The author of this essay, in presenting a picture so affecting, presumes on the sensibility of the reader: if he refuses a free course to his own feelings, it is not without struggle. But calmness is in him a duty, and the historian must here do violence to the patriot.

CHAP.

De Normandie and *P. Perdriau* met with the same species of stigma, for having in the grand council asserted the people's rights with warmth and eloquence. The former forgot that act of injustice, having risen to be privy counsellor in the court of the king of Prussia; but the senate could not leave him undisturbed even in that respectable asylum, but wrote directly to prejudice the monarch against him. *Perdriau*, less fortunate, or more base, to escape death or the confiscation of his fortune, was forced to promise to the councils, *a blind and respectful submission*, (such are the terms of the registers.) Thus, by a refinement in despotism, to escape infamy, he was forced to deserve it.

March 18,
1707.

(f) He declared, that he acknowledged his brother was deserving of death, and that his only request was that he should not be publicly executed. The sentence of the grand council runs thus, *that in consideration of his family, and in particular of Counsellor Fatio, his eldest brother, Peter Fatio shall be shot in the prison yard.*

CHAPTER II.

The printing of the edicts—The repeal of the periodical General Councils.

AT the relation of these sanguinary scenes, it is difficult to decide whether indignation against the councils, or aversion to citizens, who had the weakness to remain in silent inactivity on seeing fall the heads of their most zealous defenders, should preponderate in our minds: however numerous the troops with which the senate supported these horrible executions, nothing can fully justify the citizens inaction; none should have survived *Fatio* and *Le Maître*.

CHAP.
II.

After such a desertion, if any circumstance should appear surprising to the tyrants, and convince them that liberty sooner or later shakes off the fetters with which they seek to load her, it is surely this, that Geneva afterwards gave birth to men, in whose breasts the love of independence glowed with such ardor, that they again defended that independence at every risk, without relying on the unsteady attachment of a people who had tamely seen their best citizens torn from them.

Immediately

CHAP.

II.

1707.

Immediately after the law of 1707, the senate executed in part the order for printing the edicts which that law imposed on them; but the laws prior to 1568 were not published; neither was the edict of 1577, concerning the treasurer, inserted in the collection; and, what is no less surprising, they added, by way of annotations, many regulations of the councils, which had never received the approbation of the legislature.

Bereft of all access to the Archives, the citizens could neither judge whether the printed collections were complete, or compare them with the originals; besides was this a time for remonstrance? And was it not an injurious proceeding to strive to take advantage afterwards of their neglect of claim?

The aristocracy did not stop on having satisfied their vengeance, and that might well be expected; they determined to avail themselves of this moment of terror to obtain an abrogation of the periodical general councils. A victory over this palladium of the people's rights was the sole object of their invasions: this body were not ignorant that legislators who have been friends to liberty, and who have studied the means of securing it from destruction, have all agreed on the necessity of assembling the people at certain fixed periods, to enable them to check the encroachments of power, to correct abuses, to prop declining laws, and to strengthen the constitution by *declaring their contentment with it* (a). The first

(a) The United States of America have adopted this institution for one of the fundamental principles of their constitution. The tenth article of that of Maryland is expressed

first of these quinquennial meetings, revived by the edict of 1707, was appointed for the year 1712; the senate had reason to fear that some bold men were waiting for that period to call them to account, before the nation, for the innocent blood they had spilt.

CHAP.
II.

To overawe this formidable tribunal, it was necessary to prolong the impression of terror occasioned by the first acts of punishment. The senate availed themselves of this to augment the garrison, and silently projected means to wrest from the citizens the most precious of their rights, that of laying the public complaints every fifth year before the tribunal of the sovereign council.

Most of the Genevese are to this hour strangers to the many artifices by which the revocation of these periodical general councils was extorted from them. It is time at last to unravel this mystery of iniquity. It is in the registers of the senate these proceedings are recorded. I shall lay them open. They will serve to give a perfect knowledge of the men who were then at the head

expressed in these terms. *That for redress of grievances, and for amending, strengthening and preserving the laws, the legislature ought to be frequently convened.*

Ye wise Americans, whose liberty began with your existence, think not that it is sufficient for you to know and understand the rights of man, studiously observe in the history of Geneva the criminal passions of those who govern, and, warned by their artifices and our misfortunes, do not suffer yourselves to forget, that fixed and periodical meetings of the legislature are the life of the body politic!

CHAP. head of the nation. We shall see their boldness
 II. rise to such a height, that with their own hands
 they recorded their crimes in the registers of
 their body, fearful lest their successors might want
 precedent and instruction.

1709. In the year 1709, the senate appointed a committee to forward the execution of this project ; the business was conducted with impenetrable secrecy to the very beginning of 1712, in which
 1712. year the first periodical council general was appointed to be held.

In the month of April, the senate, not daring as yet to confide in the grand council, for fear the project might transpire, resolved to communicate it to the council of sixty. After deliberating on the matter in several meetings, this body approved of the idea of proposing to the general council the abrogation of the periodical assemblies, and to insure the success of that proposition, they came to the following resolutions.

- 16 April, That the first syndic do lay the proposal be-
 1712. fore the council of two-hundred *in the most insinuating manner his prudence can suggest, in order to have it received without any discussion.*

That the votes of the general council be not collected by four secretaries *ad actum* (b), (according to

(b) Secretaries *ad actum* are citizens chosen on the spot by the syndic. Their title and functions end with the assembly; they are only for the occasion. The secretaries of state are those of the senate, and are permanent.

to the edict of 1707) (c) but by the two secretaries of state. CHAP.
II.

That if it happens in the general council that one or more citizens should insist on the suffrages being collected by four secretaries ad actum, and not by the secretaries of state, resolved in such case, that they (the syndics) shall endeavour to represent by gentle means that the matter must be so, and exhort each individual to proceed to give his vote That if any tumult should happen, they shall, as their prudence may suggest, employ menaces and authority, according to the number of those who rise, and the greatness of the tumult (d); and if after all they find their exhortations, reasons and authority insufficient to quell the disturbance, and engage the majority of citizens to vote, that they then break up the assembly and dissolve it.

This proposition and these strange resolutions were at length communicated on the 16th of December, to the council of two hundred, and the senate, having there met with all the success they could wish, imposed the strictest silence on that body, until the opening of the general assembly,

Dec.
1712.

(c) Four secretaries ad actum shall be appointed to collect the votes, two from the council of two-hundred, and two from amongst the people, chosen on the spot by the first syndic. We shall soon see the real motive of this illegality.

(d) Doubtless they would have imposed silence on the members of the general council, like that insolent patrician, who, at a meeting of the people of Rome, cried out, *Citizens, be silent, I know better than you what is for the advantage of the state.* Tacete, quæso, Quirites, plus enim quam vos quid reipublicæ expediat intelligo.

CHAP. assembly, which was convened for the 20th of the
 II same month (e).

Here it is worth while to follow step by step the gloomy fears of tyranny. The senate had resolved that nothing *should be done that could give the general council the appearance of an extraordinary council*. So many measures were not sufficient to calm them; the success of their preparations might be uncertain; they shuddered at thinking, that if their conspiracy were not crowned with success, its authors would be covered with infamy. Not relying on the chain of artifices, with which they were ready to circumvent the citizens, they took the finishing and only expedient that remained: it is the characteristic of tyrants to throw aside entirely the mask of honor, the moment they have ventured to lift it up.

17 Dec. Three days before the meeting of the assembly,
 1712. the senate had the boldness to debate, *whether the secretaries should conceal the votes*. The registers run thus, *let the matter be left to their prudence, according as they may see the votes incline to one side or the other*.

Such, therefore, was their secret motive for substituting the two secretaries of state to the four secretaries *ad actum*! How was it possible for the citizens to escape this execrable snare?

The

(e) On the eve of the general council, the first syndic was commissioned to impart the proposition to the pastors: one of them, *Calindrini senior*, answered, that such a proposition required several months reflection, *and that it was of such a nature as must startle the minds of the people*.

The syndic *Ami Le Fort*, on submitting to the people a proposition so unexpected, opened the meeting by the following discourse.

CHAP.

II.

20 Dec.

1712.

“ I do not imagine, sovereign lords, that whilst I submit this proposition to your lordships discussion, any individual can harbour an idea, that it limits your sovereign authority. Such a thought would be highly injurious to the councils; they are fully convinced and publicly acknowledge that the whole sovereignty resides in this sovereign assembly, that it is the source from which the whole power, the whole authority of the councils is derived; that in it alone reside the powers of legislation, confederation and election; that consequently it is only to this sovereign council that the ratification of the laws belongs, since no edict, no new law, no alteration in the laws can be made without the authority, approbation and consent of your lordships.”

“ The exercise of sovereignty being therefore continually in your hands, can any individual entertain a suspicion that the slightest infringement on it is intended by the proposition presented by the councils to your lordships? No, sovereign lords, it were too unjust.”

After this discourse artfully framed, the project and motives of the decree (f) were read to the

(f) The preamble was not previously printed and published, as in 1707, and this not without reason, for nothing can be imagined more absurd than the motives with which the councils supported the proposition for abolishing the quinquennial general assemblies: *These conventions might hap-*

CHAP.

II.

the people, and they proceeded to take the suffrages. But instead of debating, the lieutenant of police proceeded to give his vote; the senate and the citizens followed him in silence, and the two secretaries proclaimed at the close of the suffrages, that the proposition for abolishing the periodical general councils had been approved of by a majority of seven hundred and fourteen against two hundred and seventy-one.

The senate having assembled the day following, we may well suppose they failed not to congratulate each other on their success. Their registers run thus, *resolved that, tho' by the Grace of God three principal matters, established and practised in the general councils of 1707, have been repealed. . . . (g) It is prudent nevertheless to profit by what has been done, without making any noise.*

It

*happen on years of plague, of war or famine. . . . The enemy, knowing precisely the year of the assemblies, might gain secret intelligence. . . . The disaffected might foment seditions. . . . The ambitious form parties. . . . Was Rousseau in the wrong to say, "that every line in that preamble is either a falsehood or "an extravagance"? We cannot but make this melancholy observation that the senate were every day improving in the art of deceiving the people; but what may perhaps appear in a comic light is, that they had the boldness to boast of it. The syndic Le Fort concluded his discourse to the general council by assuring them that the magistrates were daily making rapid strides towards perfection in the art of governing and of managing state affairs. Thus did they justify their conduct for the death of *Fatio*!*

(g) These three things, *repealed by the grace of God*, were the abrogation of the quinquennial general councils, the substitution of the two secretaries of state instead of the four secretaries *ad actum*, and the introduction of voting

It is undoubtedly for this reason that, a senator having moved that the cantons of Zurich and Bern should be *informed of this success*, it was almost unanimously resolved that such a measure was neither expedient or advisable (h).

At length the senate, carrying insult to the highest pitch, came to this resolution: *that though several individuals have not approved of the proposition, and that their names are known, it is not advisable to discover any resentment or hatred against them on account of such conduct.* This generous pardon recalls to our remembrance the temple which the Roman senate erected to Concord, after the murder of the *Gracchi*, and the abrogation of the laws which these tribunes had obtained in favor of the people.

Imagination cannot form an idea of the citizens consternation at seeing the palladium of their liberty wrested from their hands. They were contented with deploring in silent sorrow the

voting without any previous debate. It is worth while to remark that the last meetings of the councils on this subject were always concluded by *exhortations to praise God.*

(b) It is proper that this resolution, and a passage in the discourse of the first syndic to the general council, should be placed near each other. *Your lordships cannot entertain a doubt that the neighbouring and distant powers, particularly such as are interested in our preservation, knowing that this general and extraordinary meeting is fixed for this day, are impatient to know the issue of it.*

CHAP. II. the total loss of a law, (i) the re-enacting of which had cost the lives of *Le Maître*, *Piaget*, and *Fatio*. These generous defenders of the people were no more. To tread in their steps was the road to death; an impression of terror had pervaded the majority of the citizens, who were no longer deserving of that name, and one of them compared this last meeting to a lifeless corse—nothing remained of former greatness, but an empty name and a superb bed of state.

On comparing the tragical events of 1707, with these dark proceedings, it is difficult to say which inspire the greater horror; one would even be inclined to think these last scenes of artifice the most apt to provoke indignation in every generous bosom. Haughty usurpers have been often seen to overawe, by the dread of punishment, men that had the courage to shake their authority; but the annals of aristocracy may be ransacked in vain, to find a picture equal to that which

(i) Besides the flaw in the edict, by the four secretaries *ad actum* having been laid aside, a flaw that disannuls the edict, the secretaries of state were accused of collecting the votes unfairly, and the citizens complained that the words *rejection* and *approbation* gave rise to an equivocation, for that in giving their *approbation*, they intended to approve of the periodical general councils, whereas the secretaries received it as an approbation of the proposition of the councils for their abolition. There is no other proof of this deception but public tradition, and the marks of surprise visible on the citizens countenances, when they heard the result of the suffrages; but there is too great a probability of such a deceit being practised, if we consider the whole tissue of the project, and if we reflect that the body that had formed it, *left it to the prudence* of its secretaries *to conceal the votes according as they should see them incline to one side or the other*.

which we have traced. Here contempt unites with hatred; the magistrates of Geneva appear no longer in the light of senators, but in that of a vile and petty crew abandoned to ambitious purposes.——When we contemplate the excesses of corruption and the baseness of political frauds, to which men are hurried by the lust of power, we cannot refuse a tear to the fate of human nature.

CHAP.
II.

F 2

CHAP.

CHAPTER III.

Of the new taxations—the important question they gave rise to—of the anonymous letters, and the senate's perquisitions against the author.

CHAP.
III.

TO obtain a revocation of the periodical general councils, to engage the citizens to overturn with their own hands the bulwark of their liberty and to repeal this invaluable law, the following clause was substituted. Resolved: *That it is sufficient to enter into a simple resolution, that no law or alteration in the edict shall have validity, until it shall receive the approbation of this sovereign council, which, on that account, or for other of such moment as require its authority, may be convened by the syndics, the petty and grand councils, at whatever time they shall judge proper.*

This blow to the liberty and authority of the general council did not however appear mortal, the cognizance of affairs of high importance was still reserved; but we shall presently see that the councils soon sported with that promise, by attempting to arrogate to themselves the right of taxation without consulting the people.

It

It is incontrovertible that the general council, by reserving to itself, on the division of power, *cases of difficulty and importance*, remained sole arbiter of whatever came under that denomination. He who, having all in his hands, gives away but a part, remains incontestibly master of the overplus: yet the councils, thoroughly convinced that their authority would be limited, whilst they were not in possession of the right to tax the people, began now to think that the favourable moment had arrived. They established new taxations, the necessity of which they grounded on the resolution of fortifying the city. The discussion of this project of fortification was however no less the province of the general council, than the question of taxation; and we shall presently see that its absurdity was perhaps still greater than its illegality. The idea had been first started by some young magistrates, who having served under Lewis XIV. had like that prince, contracted a rage for fortification: the old senators embraced it with ardor, as a patriotic idea, but in reality, as a happy pretext for augmenting the garrison, and for more effectually weakening the citizens by loading them with new taxes. Strange it is, that they observed so little circumspection, in this great stroke of authority, that the new taxes were imposed on the necessaries of life, so that their weight fell chiefly on the poor.

In vain did the attorney general *Lewis le Fort* plead in favor of the people; his arguments were opposed by the authority of an edict of the year 1570, whereby, on a particular and pressing

CHAP.
III.

sing. emergency, the grand council had been commissioned to strike out means for supplying the necessities of the moment (a).

The refusal of the senate, and the motives they alledged, gave rise to some complaints. The general council had long exercised the right of taxation; and, even were the custom laid aside, the right ceased not to exist. Mean-time the contributions were paid, and the murmurs seemed to subside: when, on a sudden, copies of an anonymous letter, directed to different individuals, roused the magistrates from their security and the citizens from their inaction. It contained a discussion of the edict of 1570, which granted to the councils the power of taxation as provisional only.—“ *Taxes are necessary,* said the letter, “ *but the people are the judges of that necessity If the people be sovereign amongst us, this right is theirs: the neglect does not suppose the loss of right; there is no right of prescription against the sovereign, the syndic Chouet has solemnly declared it in the general council* “ *of*

(a) It was but a simple decree, without any character of perpetuity, since it was unattended by the clause usual to irrevocable edicts. It took place in a time of plague, and on account of pressing necessities, which had no analogy to the project of fortification, in favor of which it was urged. Nearly parallel was the manner in which the Roman senate artfully assumed the right of taxation, when, in the long war with Veii, they passed a decree granting to the soldiery a stipend which they levied on all the citizens. It is worth while to observe in Livy the gratitude of the benevolent Romans to the senate for this generosity. *Nihil acceptum unquam à plebe tanto gaudio traditur. Concursum itaque ad curiam esse, prebensatasque exeuntium manus, & patres verè appellatos.*

“ of 1707, when he acknowledged that the right
 “ of imposing and levying taxes on the people was
 “ the prerogative of the general council. In short,
 “ the edict of 1712 has secured to the people the
 “ cognizance of difficult and important cases; there
 “ is an end to public liberty, if the councils lay be-
 “ fore the people only what cases they themselves
 “ shall judge important.”

This and a second letter, circulated amongst the people, alarmed the senate, and they resolved on measures of the most terrifying severity. Unsuccessful in their endeavours to discover the authors, they declared them *sedition*, *disturbers of the public peace*, and *guilty of high treason*; they condemned their maxims as *tending to anarchy*, and to *divest the councils of their power of taxation*; a power confirmed by *invariable custom*, and which they will transmit *inviolable to their posterity as a precious trust*. Informers were publicly authorised; impunity and a reward of one thousand crowns promised to discoverers; a considerable fine and loss of freedom were denounced against such persons and their heirs, as were found possessed of any copy. At this strange publication, all the people shuddered with silent horror. (b)

Mean-while the efforts of the spirit of liberty were for some time checked by foreign circumstances; the plague of Marseilles, which
 rined

(b) We read however in a journal of these times that a citizen ventured to exclaim in the first transport of his indignation; *Almighty God, you punish only to the fourth, but the punishments of the senate extend to the latest generation!*

CHAP. III. ruined many commercial houses, and, soon after that, *Law's* schemes and failure, diverted the attention of the Genevese to their private affairs. Many families saw their fortunes lost in the general wreck; and, as France was less busied about religion, so Geneva was more silent about her internal politics.

On the other hand, the troubles occasioned by Savoy contributed also to turn the eyes of the citizens from administration. However one particular act of injustice, which we shall see in the following chapter, seemed to announce the moment for exertion; but those who were wise thought it still their duty to be silent, to wait for more favourable conjunctures, and let the mischiefs of government be aggravated to the utmost.

CHAP.

CHAPTER IV.

Of Micheli, his system and misfortunes.

THE new fortifications were advancing slowly, but the costs exceeded by far the projected expense. The senate appointed a committee to examine anew the general plan, the importance of each particular work, and the expense attending the execution of the whole.

CHAP.
IV.

Micheli, a member of the grand council, and a captain in the French service, was one of the committee. His heart beat warm in the cause of liberty. His character was that of an ardent, obstinate, uncomplying temper. He had discerned that the councils, by inclosing too great a circuit, wanted to render a large garrison necessary, by means of which they might oppress the citizens. He loudly declared his opinion that it was not the way to encrease the strength of the republic, to hide behind its walls citizens languishing in misery and dependance.

He proposed a plan more simple, less expensive, which would take in the eminences that command the city: this plan was not relished,
and

CHAP.
IV.

Dec.
7, 1728.

and the councils were contented with asking from him a memorial on the subject. He drew it up at Stratsburg, and sent by post fifty printed copies to different members of the grand council. He animadverted sharply on the conduct of several individuals; they commenced prosecutions against him. The two-hundred declared the memorial disrespectful to the councils, injurious to the directors of the fortifications; and the senate ordered the author to send immediately all the remaining copies.

Micheli maintained that this sentence was illegal and null, both because it had not been at the instance of the attorney general, and because the members who alledged themselves injured, had composed, either in person, or by their relations, seven eights of his judges.

May 9,
1730.

The grand council, exasperated by his refusal to submit to this sentence, summoned him to appear; with which not complying, he was stript of his freedom, deprived of his fee noble, and of all his effects, until he should have made satisfaction according to the decree.

Not only this second sentence was vitiated by the two absolute nullities of the former, (*a*) but *Micheli* complained that it had not been pronounced in presence of the people, and that the grand council had constituted itself judge in chief

(*a*) There was a third pronounced on the second of June 1731, condemning him to a perpetual imprisonment, and to the entire confiscation of all his effects,

chief in a matter cognizable by custom and law C H A P.
to the syndic and council of twenty-five a- IV.
lone.

Grounding his complaint on these violations, *Micheli* thought himself authorized to appeal to the sovereign council (*b*) the council of the people, at whose hands the magistrates, whose office it is to enforce the edicts, annually swear to maintain them.

“ The legislative power of the general council, said he, implies not only the right of enacting the laws, but also that of disannulling every act done against these laws by the councils, which otherwise would themselves become sovereign. If a body be necessary to judge of the violations of the edicts, it cannot be the councils, since they themselves are the violators ; it is the people, who make the laws, that are to watch over them, to maintain them, as they are bound by oath to do, and to call to account their officers for the power they have entrusted them with.”

Micheli maintained that the four syndics were the sole depositaries of the people's authority, because they alone constitute what is termed in the

(*b*) Whoever chooses to compare *Micheli's* writings and the discourse of the syndic *Chouet* in 1707, with the chapter of the *social contract* which treats of sovereignty, will be sensible of the truth of what *Rousseau* has acknowledged in some part of his writings ; “ that he had imbibed his political principles in the midst of his fellow-citizens and in the constitution of his country.”

CHAP.

IV.

the edicts *the lordship*; because they alone, and not the councils, possess in the state the imperative, executive and coercive power; and, in fine, because they alone are elected by the general council, and are responsible to it for their administration: "*an institution, said he, which shews the greater wisdom, as the people can keep in their duty four magistrates, but not two-hundred.*"

"It is true, added he, that the syndics are obliged to consult the councils, but the law does not force them to follow their advice, or *the law would not have given them counsellors, but masters.*"

This system rendered the syndics responsible to the nation for the illegal judgments of the councils, and obliged them to lay them of their own accord before the general council. This system was profoundly meditated, well planned, and founded on the laws and spirit of every free constitution: an appeal to the people, on criminal judgments, has been considered by the Romans and by the republics of Greece, as the bulwark of liberty: a bulwark the more necessary in Geneva, as the franchises, which had established some precautions in favor of personal liberty, were no longer observed, and as the laws, silent on the head of crimes and punishments, left the lives and honor of the citizens entirely at the discretion of the judges.

But *Micheli* had against him the period of a century and a half, during which the general council had abstained from taking cognizance of
any

any affair of this nature. This disuse and the imaginary inconveniencies to which every appeal to the people was subject, were favourable to the declamations of his enemies, by whom his memorial to the general council was represented as a crime. We shall hereafter see that he was declared, during his absence, *guilty of high treason*, and condemned for contumacy to be beheaded. Two citizens, with whom he had corresponded, and whom he had convinced of the justice of his intentions, suffered punishments of infamy, as if they had been concerned in a conspiracy tending to overturn the laws and constitution.

Nov. 8.
1735.

Micheli's grievances were interesting, as he said himself, to the major part of the people's rights, and his sentence was a species of attack on every citizen. If he was at that time unsupported by his fellow-citizens, it was because the dread of being accused of espousing private pique, made them lose sight of this important truth, that the oppression of an individual is almost ever the prelude to the oppression of the public.

Besides, his character, too obstinate to win affection, wounded the pride of the principal citizens; and, if he had, as we shall hereafter see, a numerous party, he was entirely indebted for it to the justice of his cause, and to the progress which the citizens were making in the study of the constitution.

CHAPTER V.

An account of the troubles of the Year 1734.

CHAP.
V.

THE minds of the people were evidently enlightened by the writings of *Micheli*. They began to study the constitution; they compared their laws and customs together; one search brought on another, and new usurpations were every day discovered. The citizens derived new strength from these researches and soon discussed with more energy the question of taxes, and the fortifications, on both which heads the people's complaints had been only lulled asleep; for the general discontent, far from subsiding, had been visible every year at the elections.

The councils pretension to the right of taxation, had hurried them to other acts of injustice still more alarming. The circuit marked out for the fortifications, included a considerable number of small estates. The senate, by their own authority, and without ever asking the proprietors consent had forced them to relinquish their possessions for the trifling estimate at which they thought proper to value them; a species of oppression, which, in free government, has ever been considered as one of the most odious.

A new

A new attorney general returned to the charge; he represented to the senate, that the rights of taxation and fortification came within the jurisdiction of the sovereign council, and that they could not, on any pretence whatever, dispense with submitting them to the discussion of that council. They seemed to listen to his representations; he was for some time in hopes of bringing matters to an accommodation, and was even strongly seconded by the first syndic *De Chapeaurouge*: These two magistrates had the mortification to see all their efforts rendered ineffectual by the invincible obstinacy of the senate, to whom they in vain represented the interests of the state, the rights of the people, and the dangers of a general discontent: in reality, the citizens, having lost all hope of a reconciliation, assembled at last to the number of near twelve hundred, and insisted on government's immediately consulting the general council.

March 4,
1734.

An union like this was unexampled. The senate appointed a committee to examine the representations, and, during the discussion of them, circulated several writings to the prejudice of the citizens; representing them as incapable of deciding on the question of taxation, as *seditionous innovators*, as acting against their consciences and their oath: the ringleaders were held forth in the light of *factious men leading the people to anarchy, to become their tyrants*. On the citizens complaining, the senate disavowed these writings, and promised that the report of the committee should be made in a few days.

But

CHAP. V. But studied delays soon tired out the popular party, whose discontent increased from day to day; they assembled in the public places and gave vent to their murmurs; the senate was alarmed, treated these meetings as riotous, and endeavoured to put a stop to them. Their order to that purpose was considered by the citizens as a violation of their liberty; the public were provoked to a greater degree, when an unforeseen incident changed the course of events.

July 2,
1734. Some individuals accidentally discovered that five small pieces of cannon were secretly conveyed by night from the lower part of the city, to that where the magistrates resided. At the same time it was also discovered that ball-cartridges had been distributed to the garrison; that admission into the city had been refused to some of the citizens who headed the representation, and who were returning from the country; that a postern door had been left ready to fly open at the first push against it; and that the workmen employed on the fortifications had received orders to hold themselves in readiness to return into the city at the first signal. In short, some citizens having found means to introduce themselves in secret into an arsenal in the lower part of the city, found there twenty two pieces of cannon spiked and deprived of all their necessary implements.

It can scarcely be imagined what an assemblage of terrifying ideas these strange preparations, equally threatening their liberties and lives, must have presented to the citizens minds. The artillery rendered unserviceable, the augmentation

on of the garrison, the loading of four hundred musquets at the arsenal, the extraordinary orders given to the workmen employed on the fortifications, and to the soldiery in pay of the republic to hold themselves in readiness, all portended the most imminent danger.

CHAP.
V.

As soon as this conspiracy was discovered and made public, the citizens assembled unarmed, and sent a deputation to the first syndic *Lewis Le Fort*, whose answer was, that all had been done without his knowledge, and without any order from the councils. Such an answer could only tend to encrease the general anxiety. The citizens immediately demanded and obtained the guard of the city gates.

July 2,
1734.

July 3,
1734.

All these preparations had been made by *John Trembley*, the syndic of the guard, a haughty man, and no friend to the citizens. He had concealed from the senate the spiking of the cannon, and had contented himself with imparting to them some precautions, which he represented as being necessary for the tranquillity of the state.

On a sudden a false report of the arrival of some Swiss troops was spread through every part of city. The citizens alarmed recollect the executions of the year 1707, they solemnly engage to be more virtuous than their forefathers, and on no account whatever to admit foreign troops into the city; in an instant they were all in arms, but no disorder ensued; and, when the mistake was rectified, none remained armed but the companies of guards.

G

Then,

CHAP.

V.

1734.

July 4.

July 8.

Then, and not 'till then, conferences were opened between the citizens and the councils, to discuss the question of taxes, the fundamental object of the first agitations. The councils at length consented to convene the general assembly, the project of the fortifications and the continuation of the taxes for ten years were then confirmed and approved. The citizens, to prevent such enterprizes in future, demanded besides that a new edict should be brought in respecting the functions of the syndic of the guard and the master of the artillery: but the most earnest of their demands was that the authors of the conspiracy should be brought to trial.

The cantons of Zurich and Bern had just sent deputies to Geneva. On their arrival, they bestowed the greatest encomiums on the moderation which the citizens had displayed (*a*), but they exhausted every method of persuasion to engage them to desist from requiring that those who were concerned in the plot should be juridically proceeded against.

On

July 20. (*a*) The first deputy of Zurich, the Stadholder Escher, declared that they were sent from their sovereign, *pro pace reipublicæ & salute populi*.

“ Our superiors, said he, will receive the greatest satisfaction from the wisdom and good conduct which the citizens and burghers have displayed in a most particular manner, and also from the zeal of the natives and inhabitants Had our lords and masters been acquainted with the character and prudence of citizens so deserving of esteem, they would have been in greater tranquillity with regard to the troubles by which your illustrious republic has been agitated, &c.”

CHAP.
V.

On the other side, the principal authors of this project demanded to be heard and judged. The senate, conscious of their not being innocent themselves, foresaw that by legal procedures facts would be brought to light which it was their interest to consign to oblivion: they were therefore contended with declaring the spiking of the cannon *an improper action, and which, though executed without their knowledge, had not however arisen from any malicious intention. They forbade all inquiries and reproaches on the subject.*

July 29,
1734.

The citizens, dissatisfied with such a decree, protested against the nullity of a sentence pronounced by a tribunal, which, contrary to the laws, had admitted all the relations of the guilty, and had converted a criminal procedure into a civil suit, in order to admit the relations of the guilty amongst the judges. "The sovereign council alone, said they, can dispense with the observance of the laws; and were it necessary to deviate from them, it is to the general council that the reasons of such deviation should be represented." They made use of the interposition of the Swiss deputies to obtain a sentence more conformable to the acts of which they complained. At length the grand council declared the facts blameable in themselves, and pronounced that, at the solicitation of my lords the representatives of Zurich and Bern, their authors should be *declared unimpeachable.*

August
6, 1734.

On this the citizens consented to observe silence, and, although the seeds of distrust remained

CHAP.
V.

mained in their hearts, in consequence of the conspiracy not being investigated, peace would have been re-established, had not the accused magistrates themselves thrown aside the veil with which the councils had endeavoured with much pains to hide their conduct.

John Trembley indiscreetly circulated the copy of a letter which he addressed to the first syndic. He declared in this letter, "That if he had given orders to the garrison, if he had intended to form an intrenchment in the upper part of the city, his purpose was to prevent the deliberation of the councils on taxes being over-awed by the extremities to which some hot-headed citizens might have proceeded; that he had more-over communicated his project to the syndics and the senate, and that he had received express orders to take precautions for defence." &c. &c.

This inconsiderate letter, the account given of this plan of defence, the publication of a project for inclosing the upper part of the city, and the orders for its execution, heated and alarmed the imaginations of the majority of the citizens. They already complained that, notwithstanding the decree of the grand council, their conduct was calumniated in foreign countries; they thought it necessary to bring the truth to light, and represented to the syndics, "that as the barricadoes intended for the upper part of the city, the conveyance of the cannon, and the many other preparations of a serious nature, were evident proofs of a detestable conspiracy against their government, their liberties and their lives, they

October
25, 1734.

“ *they concluded that the authors thereof should be* CHAP.
 “ *proceeded against according to law.*” V.

Their representation was ineffectual. The senate constantly refused to comply ; and, as if they had not power to substitute private citizens instead of members of the councils, their pretence was that the law for incapacitating relations, would exclude almost all the members of the senate, and render a legal tribunal impossible. They had then recourse to an expedient, which, had it been tried with sincerity, would undoubtedly have been crowned with success ; it was to form a *committee of reconciliation*, composed of members chosen from the different councils, of some of the pastors and a certain number of private citizens. At a meeting of this committee held on the 27th of November, the partisans of the senate launched forth into common-place reflections on the advantages of peace, and on the necessity of making sacrifices to attain it : they alledged that there was no question of a judgment, but of a pacification ; that no judgment could be made by express convention, and that the judgment claimed would eternize hatred and spread desolation in too great a number of families. The citizens represented on the contrary, that the only method to arrive at peace, was to ascertain the facts complained of, by the medium of a legal tribunal. “ It is the more
 “ necessary, said they, to put a period to the
 “ public distrust, because if we make an end
 “ without unfolding every detail of the plot,
 “ the minds of the people will be again in-
 “ censed, should they happen to discover any
 “ new circumstances. A speedy cure should be
 “ found

Novem.
 27, 1734.

CHAP. "found, lest the just discontent of the people
 V. "should burst forth with violence."

These reasons had no weight with the members of the councils, and this first conference was dissolved, without any determination with respect to the new trial. Whilst under different pretences, the appointment of a second conference was industriously deferred, the greatest activity was exerted to prejudice the citizens in the minds of the allies of the republic, and to represent to the magistrates of Zurich and Bern; *that it was their interest to hasten to extinguish a conflagration, which would not fail to reach themselves.* In short the unjust refusal of a legal trial, the dissolution of the conferences, and the dangers with which the citizens still saw themselves threatened, were increased to the highest pitch in their imagination, by reports circulated that the Swiss cantons were disaffected to the citizens, and by the declaration of a drummer of Bern, who publicly asserted that his company had received orders to hold themselves in readiness to march in a few days to Geneva. On the other side it was announced that Zurich and Bern, had resolved to send deputies, and maintain the respect to the councils by force.

The good of the state became then the supreme law. The delegates of the citizens felt the necessity of concluding without delay; penetrated with a sense of danger to the republic, if foreign judges were introduced, they were no less convinced that justice was not to be expected from the senate, and that they had but
 a few

a few moments left to obtain it. They required of the councils that six magistrates, whom they impeached as having had the greatest share in the plot, and having always behaved with *haughtiness* and *vanity* should be dismissed, that very day, from every public employment, and that, in particular, *John Trembley* should be banished for ever from the city and its territories.

CHAP.
V.

In vain did they endeavour to soften these demands, the citizens invariably persisted, and waited with the utmost impatience for the result of the deliberation of the councils. A sudden riot amongst some soldiers of the garrison seeming in these moments of distrust to be directed against the citizens, certain individuals unseasonably sounded the alarm, and occasioned a general cry to arms. However this new crisis passed without effusion of blood, and the grand council at length granted the citizens demands, but this concession was less dictated by a sentiment of justice, than extorted by the necessity of the moment, and by the general outcry of the people, whose agitation was extreme.

This decree was confirmed in the general council on the 20th of December 1734, (b) and, some time after, the same council ratified an edict respecting the employment of the garrison, the office of syndic of the guard, and that of master

20 Dec.
1734.

(b) The edict of the 20th of December expressly mentions, "That all personalities should be forgotten, and that all and every one should be unimpeachable, not only in regard to what has been said and done to the present day, but also to what may come to light in future."

CHAP.
V.

master of the artillery. The citizens then restored to the garrison the guard of the city-gates, and the delegates of the companies laid down their commissions, giving at the same time an exhortation to peace and reconciliation, to forget personal animosities, and to maintain good morals and liberty.

Perhaps amongst the number of my readers there may be placemen, and others of austere minds, who, too forcibly struck with the advantages of a species of blind subordination to the ministers of the laws, will, at the first glance, condemn the conduct of the citizens, and reproach them with putting themselves above judicial forms by expelling magistrates, without having previously ascertained their crimes by authentic proceedings: but let them please to recollect that here we speak of a free people long trampled on by despotic and sanguinary governors, who had wrested from them their rights by fraud, their defenders by violence, and who availed themselves of the terror of a moment to oppress them with exorbitant taxes applied to unwarrantable uses. This outraged people at first oppose to their oppressors nought but respectful complaints, they do not rise up against the necessity of these extraordinary subsidies, they only claim the invariable right of their ancestors, the right of self-taxation. In vain do they wait many years for their representations to be listened to, government perseveres in its unjust refusal, and prepares to support it by a conspiracy, which, if crowned with success, would have cost the lives of the principal defenders of liberty: for can a doubt be entertained that the
scenes

scenes of the year 1707, would have been exhibited anew. On the first discovery of these hostile measures, an explanation is required from government, which disavows them; then, and not till then, the affrighted citizens run to arms; but instead of embruing them in the blood of the conspirators, 'tis for the safety of those enemies themselves, 'tis in support of legal order they take up arms, and they avail themselves of their superiority, not to put a stop to oppressive taxes, but to preserve in their own hands the right of taxation.

CHAP.
V.

In a word, instead of doing themselves justice, they are contented with demanding it from the senate, who, by their tacit approbation of the conspiracy, had forfeited the right of trying its abettors, and who, on the most frivolous pretences, constantly refused to bring them to justice.

Such a refusal of justice dissolved the tie of obedience, the essential condition of which is the execution of the laws; the citizens determined that the matter should be investigated, and that the cause of violated justice should be avenged by juridical procedures. They point out the only method of arriving at the truth, and respectfully solicit the erection of a tribunal to try the offenders: but the magistrates constantly evade this lawful demand, and, by their unjust refusal, evidently put themselves above the laws. Was it not therefore permitted to a free and sovereign people to rise superior to forms, and to grasp the only means which offered to restore tranquillity to their country.

After

CHAP.

V.

After six months spent in claims, refusals, dangers, and alarms, what resource had the citizens remaining? One alone, and that their last, to administer justice to themselves. Successful in their attempts, do they demand the heads of the guilty, do they erect scaffolds, do they raise monuments of revenge to the shades of *Fatio*, and *Le Maître*? Do they sacrifice their guilty magistrates as an example to tyrants? . . . No, they are not a people blindly sacrificing all to their fury, they listen to clemency alone, they consent to veil that plot of which an investigation has been refused, and only demand to be no longer governed by six men reputed to be its principal authors The banishment of one magistrate, the dismissal of five others, such are the only penalties they inflict, such the limits of their just resentment!

Now let the reader deign to compare this ever honourable monument of the citizens generosity, with the excesses to which the councils abandoned themselves, on the victories which they gained over the people in the years 1707 and 1712: such a comparison will be fully sufficient to furnish him with an estimate of the national character of the Genevese, and to prove the justice of this reflection of *Rousseau*, who, drawing a rapid sketch of the disturbances of 1734, observes, “ That one of the deepest wounds received by the councils, was that all Europe learned, that the citizens whom they endeavoured to destroy, and whom they painted in the colours of an unruly mob, knew how to observe in their success a moderation to which the councils were ever strangers in theirs.”

The

The councils committed a great mistake in undertaking to encrease the taxes, before they had secured the right of taxation, a right which they would have perhaps succeeded in acquiring, by making a moderate use of it, and above all by a wise popularity. But they committed a mistake of still greater consequence in endeavouring to maintain this right by forcible means; for all politicians agree, that if the advantages of time are in favor of usurpers, they lose those advantages in sudden enterprises, and thereby give the political machine an opportunity to recover its spring.

CHAP.
V.

This must have happened had the citizens elevated themselves to the true principles of the law of nature and nations; as the senate had broken the social compact, this was one of the cases when a new order of things becomes necessary, when the nation might assemble for its establishment, deliberate on the means of preventing the like attacks for the future, and resume the elections of those members of the state that had been the cause of such dismay.

But the citizens, seeing themselves accused in secret of an intention of overturning the constitution, durst not proceed to a reform; and the only advantage they took of the great discovery they had made, was to secure to themselves the right of taxation, and to demand the expulsion of the men, whom they considered as the principal authors of the spiking the cannon.

They committed besides a great fault in politics, in being satisfied with degrading the presumptive

CHAP. V. sumptive authors of the conspiracy, for if the expelled magistrates were guilty of the crime, they were guilty of high treason, and to rest contented with demanding only their expulsion, was to pique themselves on a dangerous generosity towards proud, vindictive men, whose powerful interest the following events will but too well demonstrate.

CHAP.

 CHAPTER VI.

*Of the events preparatory to the mediation of France,
and the cantons of Zurich and Bern.*

THE edict of the 20th of December 1734 had passed by a majority of one thousand one hundred and sixteen voices against twenty-seven. The day of its ratification seemed to announce to the republic a period to her calamities; it was hoped that it would speedily restore to the laws their vigour, to the magistrates their authority, and send the traders back to their arts and commerce. But these hopes soon vanished; it was not long before a considerable party was discovered in the petty and grand councils, a party that testified their discontent by refraining from attendance at the assemblies of the people and openly aiming at a revocation of the banishment of *Trembley* and the expulsion of his colleagues.

CHAP.
VI.

It is not surprising that the expelled magistrates had partisans at home and protectors abroad. They were, for the most part, men of unblemished character in every particular in which the privileges of the people were not concerned;

CHAP.
VI.

cerned ; ample justice was done to their private qualities and social virtues ; but when the prerogatives of their body were in question, they were blinded by passion, and the consciousness of their own merit uniting perhaps with the prejudices of education, they were hurried into unjustifiable excesses.

It is well known that those illustrious Romans, who, at their own peril and that of the republic, maintained the privileges of the senate against their fellow-citizens, were an *Appius Claudius*, and characters of spotless integrity, they were men, who never, except in this instance, had departed from the strict road of justice and virtue, but then their rank as *patricians* gave them a title to justify, and rights to assert.

In Geneva, on the contrary, the partisans of aristocracy found exertions to support their usurpations the more necessary, as the laws had established the most perfect equality amongst the citizens. Besides it is not always from views of private interest that the orders of a state seek to encrease their prerogatives, it is often from well-meaning to public good. That once attained, the lust of dominion blinds them, they leave nothing untried to defend their conquests, and sometimes the most illegal methods appear to them lawful.

'Tis thus that magistrates, otherwise estimable, went so far as to form against their fellow-citizens the project we have delineated, and in the execution of which they perhaps over-shot the mark.

It

CHAP.
VI.

It is natural to conclude that such men breathed revenge, and attached to themselves bold and enterprising partisans: some they had preserved in their stations, others they acquired even amongst the citizens, and they exerted their utmost endeavours to convince the allies of the republic that their cause was that of every government.

They circulated memorials in defence of their conduct, but the senate did not yet dare to rise up against the edict of pacification, and, faithful to the engagement they had taken, condemned all those writings as contrary to the respect due to that edict: *Trembley's* memorial in particular was declared *a violation of the edict of the 20th of December 1734, containing divers assertions false and injurious to the honor of government, of the councils and of the citizens in general.*

Oct. 5.
1735.

At this period *Micheli* appeared again on the stage, and appealed to the general assembly on the judgment which had been pronounced against him. He justly condemned the conduct of the citizens in not having done any thing in his favor, and for having suffered the tyrannical decrees of 1707 to remain; but he drew along with him as yet only part of the citizens, and the senate availed themselves of this species of division, to declare him *guilty of high-treason*, as having *attacked the law, the sovereign who enacted it, and the magistrates commissioned to support it.* He was condemned for contumacy to be beheaded: a sentence, which was executed in effigy the 8th of November 1735.

Nov. 8.
1735.

This

CHAP.
VI.

This unjust sentence was considered by his partisans as an insult offered to the sovereign, and they spoke of getting it repealed. *Micheli* approached Geneva to support his friends, and was devising means to introduce himself into the general council on the day of the election of the syndics: but the vigilance of the senate having rendered this project abortive, he was patriot enough to relinquish his hopes, and to postpone his own cause to that of the public liberty which he saw was threatened again: in the end this republican, who merited a better fate, went back to Paris, after having exerted himself to unite the popular party, divided on his account.

A new affair stirred up the public fermentation which seemed to be now subsiding. The citizens had obtained a (*a*) law, the most important their system boasts of, in favor of personal liberty; the law, *that every defendant be assisted by a counsellor, an attorney and twelve relations or friends, and to whom the proceedings shall be communicated.* The striking at this law was the prelude to events that were preparing.

February 1736. Three young men were imprisoned for having endeavoured to introduce *Micheli* into the city. One of them could find no lawyer that would venture to plead his cause, and brave the hatred of the faction of the *cannon-spikers* (*b*); he

(*a*) The 21st of November, 1734.

(*b*) The name that was given to the authors of the spiking the cannon, and their partisans.

he demanded a foreign lawyer, which was refused by the senate, and their refusal was considered by the citizens as a violation of law; they complained of it and discussed their grievances in companies that met on the subject. Four syndics repaired to the meeting and would have forced them to retire: this stretch of authority united all the citizens who before that appeared divided. They protested against this infringement on their right of representation, which necessarily supposes the liberty of meeting for the discussion of grievances and claims. However, to put an end to the first contest, the three accused young men voluntarily renounced the benefit of the law, and their sentence was as mild as could be expected.

The expelled magistrates taxed the senate with pusillanimity in their endeavours to quiet the citizens; two years hatred and revenge had been rankling in their hearts, they strove at length to bring about some intestine revolution to change their fate. They put at their head *Count de Montreal*, an active, rich, enterprising citizen, and the most dangerous enemy of the people, to whom formerly he had given warm support. Determined at every hazard to re-establish the expelled magistrates, this bold leader was sensible of the necessity of having on their side, that superiority of domestic power which had carried their expulsion. He already had formed a numerous party in the councils, and had at his beck that class of men, who in every country and in every age, have been the servile tools of the administration on which they depend, either by the places they possess, or by those they hope for: he next endeavoured to join to this par-

CHAP. VI. ty the populace, too base to withstand corrup-
 tion, but too dastardly to defend with spirit the
 party to which they had sold themselves.

Then for the first time these haughty partisans of aristocracy were seen to stoop to the greatest familiarity with the most abject of men, and to exhibit to the republic the spectacle of popularity carried to the most disgusting excess. "Behold, said the citizens, behold these magistrates so haughty to their equals; they bend under the yoke of their slaves, according as they buy them off." We shall have occasion to see more than once that such men were not fit to be set in opposition to free citizens.

A private person was convicted of having distributed money and taken *signatures*: he was one of the satellites of *Count de Montreal*: this discovery kept alive the alarms and distrust of the citizens, and those were redoubled by intelligence from a foreign quarter. His Britannic majesty's envoy to the Helvetic corps, the count *de Marsay*, embraced with ardor the cause of the expelled magistrates, and, the more effectually to serve them, endeavoured to engage the cantons of Zurich and Bern to send deputies to Geneva. (c)

The

(c) He had already exerted his utmost efforts to engage the councils of Geneva to invite the mediation of the Swiss. The senate having endeavoured to elude his demands, he wrote to the syndics and council a letter which he published, and in which he exhorted the republic in a menacing tone, to have recourse to the interposition of Zurich and Bern. He accused the citizens of the continu-

The following is the answer of the two can-
 tons to his solicitations; their letter will serve
 to throw a great light on the history of these
 times.

CHAP.
 VI.

“ After mature reflection on the disturbances
 “ of Geneva, we still entertain some hope, that,
 “ through *the medium of a mild and just govern-*
 “ *ment*, the minds of the people may be soften-

“ ed into a compliance with the laws, and that
 “ by gentle measures, good exhortations and re-
 “ presentations, government may obtain that
 “ which can never be carried by any other
 “ means.”

H 2

It

ance of the disturbances which he himself was perpetu-
 ating, by soliciting a mediation on matters which had al-
 ready been terminated by a sovereign edict. Yet, what-
 ever might be the Count's partiality, it is proper in this
 place to quote that part of his letter which speaks of the
 commotions of 1734: the sentiments which he therein a-
 vows will serve to justify the account that has been given
 of those commotions.

“ It was our opinion that the terms of the edict of 1570,
 “ on the subject of taxation, conferred on the councils
 “ only an authority relative to the circumstances and ne-
 “ cessities of the time. And that the exercise of that au-
 “ thority, which had been since that left in their hands,
 “ proved indeed the confidence of the people in their ma-
 “ gistrates, but not an absolute surrender of their primi-
 “ tive right unless they resigned it by an express act.”

“ The councils should with still less reason have hesi-
 “ tated to admit that the fortification of your city was
 “ comprehended in the number of the *difficult cases* reserv-
 “ ed for the cognizance of the general council, by the
 “ edict of 1712.

“ We saw with equal surprise and sorrow that the coun-
 “ cils, instead of seeking to regain the confidence of the
 “ citizens

CHAP.

VI.

It is easy to conceive that this answer was by no means satisfactory either to the expelled magistrates, or to their protector: the latter, to cross the popular party, required apologies from the syndics *Le Fort* and *Chouet* friends to the people, by whose writings he pretended he was personally offended. *Le Fort* at first refused, but his infirmities, the disgusts he met with, and those to which he foresaw he was exposed; made him determine some time after to ask a dismissal from all his employments.

Count de Marfay's efforts cherished the hopes of the *cannon-spikers*; their party was insensibly gaining strength in the councils; the public employments were now entirely swallowed up by their partisans, and the senate were justly accused of excessive rigour in some sentences pronounced

“ citizens, by a speedy and candid answer (to the representation of the 4th March, 1734,) *applied themselves only to gain time, and to compile long and subtle writings, more apt to exasperate than to tranquillise the citizens, or to persuade them of the councils having any sincere intention to do them justice.*”

“ The taking up arms on the 2d of July, caused in us no other surprise than that which arose from the moderation, decency and order with which it was executed, and which made us presume that the citizens would never have proceeded to such extremities, had they not imagined they had reason to take your delays, accompanied with the spiking the cannon, for a determined refusal of justice, and to consider them as the consequence of a plan concerted for their subjection, &c. &c.”

ced by them against citizens in the popular party. (d) CHAP.
VI.

On the other hand, far from opposing the infamous corruption practised on the *natives* (e) and *inhabitants*, the senate on the contrary appeared to be secretly concerned in the intrigues of the *cannon-spikers* (f) who nurtured the multitude in idleness and faction.

The alarming association formed between men of such different ranks, its rapid progress, and the agitation it gave rise to, announced to the republic a violent and speedy crisis; the issue was such as should have been foreseen, a private quarrel brought on at last a general tumult; some armed mercenaries imprudently interfered, and their interference was the signal for combat. The *Montreal* faction was waiting but for this; August 21, 1737. scarce had they heard the first cry to arms, when they

(d) They had prohibited the anniversary of the discovery of the *cannon-spiking*. They condemned to imprisonment a citizen of the name of *Dunant* for having shut his shop three days before the anniversary.

(e) See note (b) page 5.

(f) The attorney general had presented a remonstrance to the senate on the 12th of July, advising them of the intrigues of some persons to gain over the natives and inhabitants by entertainments and all sorts of corrupt practices. This remonstrance was ineffectual and the party which the senate secretly favoured could no longer be dissembled.

CHAP. they furrounded the senate (g), and obtained
 VI. permission to open the arsenal, to supply the populace with arms.

But the citizens, after having arranged themselves in proper order and appointed chiefs, provided for the public safety, and endeavoured to make their enemies lay down their arms. Twice did the files of the citizens penetrate as far as the Town house, and twice the syndics presented themselves before them to put a stop to their revenge.

Their efforts however did not prevent the effusion of some blood in a sequestered street, where the *cannon-spikers* assisted by the garrison, had all the advantage of the ground. In this place some of the citizens lost their lives, and their precious blood was revenged only by that of a few of the mercenaries, who, in contempt of the laws, had been employed against the citizens.

The latter at length gained the superiority which their courage and their cause deserved. They required that the aggressors should lay down their arms, that their designs should be legally investigated, and the guard of the city gates and that of the town-house entrusted to themselves. *De la Cloisure*, the French resident, interposed between the two parties, supported

(g) The meeting consisted of only eight persons, the members whose moderation was known not being called to assist at the deliberation.

supported the demands of the citizens, and obtained from them security for the *cannon-spikers*. By this species of amnesty the citizens became peaceful masters of the city, the guard of which was granted to them by the senate, on promise that what had passed until that day should be consigned to oblivion (*h*).

Thus was terminated this melancholy day, when Geneva escaped, as if by miracle, from the blind hatred of her citizens. The *cannon-spikers* sought to palliate their conduct in having brought it on; but notwithstanding the veil they have endeavoured to draw over the causes of this insurrection, it is easy to judge of the innocence of the citizens from this circumstance, that their only demand was that the acts of the general council should be supported; whereas the discontent of the degraded magistrates invited their party to revenge, and left them no hope but in a revolution, which could be expected only from an exertion of force. Their intrigues, their disgusting popularity, the gold they scattered, the use for which they designed the garrison, the threatening language in which they indulged themselves for some time before, the arms and
ammunition

(*h*) The records of the senate prove it was at the request of that body, that the French resident interposed. The senate not only pressed him to interpose his friendly mediation, but gave a particular charge to their deputies to insinuate to him that one of the preliminary conditions should be a general amnesty, that no person should be impeachable, and to request that he would make that proposal to the deputies of the citizens as coming from himself. Such apprehensions prove to a demonstration who were the persons really guilty.

CHAP. VI. ammunition they had accumulated, the grenades
with which they had provided their adherents,
all sufficiently evince a project, which was baffled by the inconsiderate haste of the populace whom they had attached to their interest, and rendered abortive by the courage of the citizens.

CHAP.

CHAPTER VII.

France and the cantons of Zurich and Bern offer their mediation to the citizens, who, after vain efforts to render their offer ineffectual, are constrained to accept of it.

ON the conclusion of this species of truce, CHAP.
VII. the leaders of the *cannon-spiking* faction hastened to leave the city; they departed peaceably and without danger; but scarce had they left it, when they represented their situation to foreign states, as that of *persons wandering on the high roads to escape the fury of divers aliens admitted to freedom a few years before.*

The deputies of the people, unprepared for the actual emergency of the state, hastily set about prescribing a regimen fit to preserve the republic from new convulsions, and laid before the syndics propositions on the subject, demanding a convention of the general council in eight days time to take them into consideration.

The

CHAP.
VII.

The senate fought to gain time, and to make interest with Zurich and Bern; these cantons, in compliance with the Helvetic custom, hastened to send representatives, who arrived at Geneva soon after. On their arrival they appeared to take into consideration the citizens complaints; but, previous to every thing else, they formally demanded to be acknowledged by both parties as mediators, in order to draw up a plan of reconciliation, of which they would be guarantees, if it were ratified by the general council.

Sept. 4.
1737.

This proposal surprised the citizens; they learned by a letter from the French minister (a) that they were taxed with seditious intentions. The resident from that court, on presenting to them this first letter, gave them an invaluable counsel of which it was not in their power to avail themselves. *Terminate all, said he, with speed and by yourselves, take my advice, be so wise as not to have recourse to strangers, do not drive yourselves to that necessity.*

It is beyond doubt that, had this excellent advice been followed, it would have saved the republic from the revolutions, by which she has been at length undone; but in vain did the deputies of the citizens endeavour to persuade the senate to attend to it. The citizens, desirous to learn how far they might confide in this body, asked to see the last letters written to the allies, and again tried to recal them to a love of their country, by representing her perilous situation.

Marcet,

(a) Signed *Amelot*.

Marcet, (*b*) whom they had chosen for their speaker, harangued the senate in a speech wherein he displayed the wisdom of a politician who sees into futurity, joined to the energy of a republican, who, to avert the stroke with which his country is threatened, fears not to expose his own person : he expatiated on the danger of introducing a foreign mediation into a state, independant it was true, but weak ; and after having represented to the senators, that independance was in their hands a deposit, for which they were responsible to posterity, he, in the name of all the citizens, demanded *that the allies should be informed, that the republic was determined to put an end to her divisions herself, and wanted neither representatives or troops*. It is easy to judge that the dangers of a foreign mediation must have had little weight with such of the senators as had, in concert with the emigrants, secretly solicited a mediation ; the repeated entreaties of the citizens to accelerate the discussion of the proposals for peace were equally ineffectual. The senate evaded the convocation of a general council : the Swiss representatives even seconded them in the demands for further time, and again offered the mediation of their cantons.

CHAP.
VII.

August
25, 1737.

A few days after, there arrived a dispatch from the French minister, in which the citizens were held forth in the colours of a seditious, unruly faction, without respect for the laws, and preparing to establish a government purely

Sept. 15.
1737.

(*b*) His daughter was married to *Hennin*, now first clerk in the office for foreign affairs at Versailles.

CHAP.
VII.

ly democratical. In the same letter the court offered its mediation, conjointly with the Swiss; but the citizens were the more ready to refuse this, as the French king, without waiting to be acknowledged arbiter, spoke already like a judge, and even in the partial tone of a prejudiced judge. The citizens had but one resource left to render the offer of no effect, which was to accelerate the meeting of the general council, before which were to be laid the conditions of peace agreed on by both parties in regular conferences. (c) After having exerted their utmost efforts, the deputies had at length a ray of hope, and on the 24th of September the grand council at last consented to lay the propositions before the general council on the Thursday following.

What storms would not the republic have escaped, had she been able to reach this period! But the senate had consented to this patriotic act, only because they knew that the events, ready to disclose, would empower them to break their promise. In effect, on the very day that this resolution was taken, the resident testified the greatest dissatisfaction at the conduct of the deputies of the people in seeking to repulse the generous offer of his most Christian Majesty. He openly declared to the citizens that, before two days were elapsed, he would send to Versailles a speedy and final

(c) On the 20th of September, the senate resolved, "that the conferences should be continued in order to explain criminal matters, *without passing any expedient.*"

final resolution on the subject. His solicitations were strongly supported by a memorial of the Swiss representatives, which tended greatly to suspend the convocation of the general council, and to leave the effecting of peace to a mediation.

C H A P.
VII.

The citizens were still however in hopes that the senators themselves would oppose an offer that might shake the independence of Geneva, and give to a powerful king a species of inspection over her legislation. But, so far were the senators from being withheld by these patriotic considerations, that it appears that many of them, in concert with the emigrants, had solicited an offer of mediation from the court: (*d*) at length, the deputies of the people, prest by the circumstances of the time, and alarmed at the dangers to which the state might be exposed, should the citizens alone continue to refuse the offers of three such respectable powers, suddenly determined to demand admission into the grand council which was then sitting.

On their admission, *Marcet* represented, a second time, the innumerable calamities to which the republic would be exposed by a foreign mediation: he recapitulated the pains which the citizens had taken to terminate within the bosom of their country the dissensions by which she was agitated; and concluded by saying that his alarmed colleagues were come to pour into the breasts of the grand council their doubts and
- their

(*d*) There was an equal number of votes for and against the acceptance of the mediation.

CHAP.
VII.

their inquietudes, and to conjure them, in the name of their country, to reflect maturely on what measures were expedient in a conjuncture so delicate: *Marcet* went out, after having again publicly transferred to the councils from himself and his colleagues the reproaches of posterity for the business on which they were about to decide.

After half an hour's deliberation, the grand council resolved to accept the mediation, *which was offered, without any violation of the liberty and independence of the republic.* They summoned the deputies of the citizens, and ordered them to assemble their companies immediately, *in order to shew them the two memorials of the resident, and that of the Swiss representatives, and to declare to their fellow citizens, that the council of two-hundred had unanimously resolved that the mediation, offered by his most Christian Majesty, conjointly with our allies the cantons of Zurich and Bern, could not, after the declaration of the resident, be any violation of the liberty and independence of the republic, and that it could not be refused without exposing the state to very great calamities, perhaps to its total ruin.*

The deputies, informed of this resolution, went to assemble the companies of militia to impart it to them, and to propose that they should accept the mediation of France, and the cantons of Zurich and Bern, *under these express conditions, that it shall have reference only to such events as may have taken place since the 23d. August 1737, and saving the edicts, the liberty, and the independence of the state.* The proposition was accepted by six-hundred and ninety-five citizens

citizens, negatived by one-hundred and fifty-
five, and one-hundred and three refused to vote. CHAP.
VII.

A resolution constrained but ruinous! the abundant and fatal source of the distractions of Geneva, the guilt of her neighbours, and the miseries of her inhabitants! may her calamities at least be a lesson to free people! Ye jealous Americans, and ye patriots of Ireland, survey the ruins of the constitution of Geneva, and interrogate her dispersed citizens; they all will inform you that the interference of foreigners in the internal divisions of an independent state is death to public liberty, and that the assistance of a despotic power must be ever attended with perfidy and danger. Believe the words of a citizen, banished from a country that he idolized, by three foreign sovereigns, who, whilst they destroy her vitals, call themselves her benefactors. Believe the words of a citizen, who daily sheds the tears of bitterness over the iniquity of those who subverted the constitution of his country, and reproaches them, not so much for having deprived him of the right to inhabit there, as for having rendered it unworthy to be inhabited.

CHAP.

CHAPTER VIII.

The history of the mediation of 1737.

CHAP.
VIII.

THE Genevese had now for the first time within their walls the spectacle of three allies united to make them happy. Some of the citizens were affected at seeing the generous concern which these powers took in their country's fate: but the wiser part, whilst they shared these sentiments, foresaw that this first mediation would give rise to others, and prove a fatal stab to the rights of the people and to the independence of the republic.

Who could consider these sollicitudes as merely chimerical? Who could help trembling to see strangers mingle with their domestic concerns? Could the citizens disguise from themselves the many disadvantages that prevented them from gaining the support of the great, and the many ways the confederacy of the rich were in possession of to captivate their affections? Besides, had they not reason to fear the prejudices which the Swiss deputies must have imbibed

ed from the form of their own constitutions, and the interest they seemed to have that their neighbours government should be modelled according to their own? Add to these considerations the interest of France, the distinguished rank of her plenipotentiary, and the monarchical principles with which it was natural to suppose he was prepossessed, had not the friends of the citizens sufficient reason to fear that the cause of democracy could not be pleaded with success before such a tribunal?

Fortunately Cardinal *Fleury* took a most sincere and lively concern in the welfare of the republic. Ambitious of the reputation of a philosopher, and in general a friend to the people, this minister thought it for his glory to give peace to the metropolis of the protestant religion; the history of Geneva had inspired him with an esteem for the citizens, and he recommended them in a particular manner to Count *de Lautrec* (a), whom he appointed mediator. "Forget not, Count," said he, on giving him his first instructions, (b) "forget not that the people is never in the wrong." (c)

The first step of the mediators was to invite the companies of militia to choose persons with
I whom

(a) Marshal of the royal camps and armies.

(b) His credentials evinced the perfect impartiality of the cabinet of Versailles, he was authorised by the king to transact in his name, *whatever is most becoming a mediator, who has an equal affection for all the parties.*

(c) Noble and memorable sentiments, from the minister of a despotic state!

CHAP. whom they might confer. In consequence thirty
 VIII. four delegates were appointed by the people and
 empowered to represent their grievances.

The entrusting the city guard to the garrison was the first object of the negotiation; it met with some opposition from apprehensions of the citizens, who represented to the mediators the sanguinary executions, which, thirty years before, had been ordered by the senate, after a solemn amnesty proclaimed. *I know it well*, said the Count de Lautrec, *but you had not then within your walls a plenipotentiary from the king of France. You desire a security, I give it you, on the faith of a gentleman.* However it was not without a very warm debate that the majority of the citizens consented to lay down their arms; and the emigrants returned at length to the city where they were exhorted by the French mediator *to assume sentiments of peace and union.*

The Count by the affability of his manners, was cautious to prevent the elevation of his rank from wounding the delicate feelings of jealous republicans (*d*). During the course of the negotiation, he followed with scrupulous exactness the instructions of *Cardinal Fleury* (*e*). The citizens

(*d*) It is said however that in an emotion of vivacity, he threatened a citizen, named *Bardin*, with getting him hanged. *Your excellency has no such power*, replied the republican, *I have magistrates and laws to judge me.*

(*e*) The delicacy of the cardinal's proceedings demonstrates his impartiality, and the generous concern he took in

tizens were afraid that the aristocratic party would acquire over his mind the influence and credit, which, in so many respects, are derived from riches, name, and the exterior polish of education, and usage of the world; but the French minister perceiving their fears, became the more impartial and popular. All the shades of distinction which fancy creates in a small city between the people and their magistrates vanished before the lustre of his rank; and the equilibrium was wisely kept up by the perfect equality of his proceedings to both parties.

CHAP.
VIII.

The cause of each party was pleaded in memorials presented to the mediators. We may judge that the expelled magistrates who had taken such pains to bring about this resolution, that they might secure the full benefit of what they had done, were not backward to wound the independence of the republic, by submitting to a foreign tribunal the validity of the edict of the 20th of December 1734. They represented themselves as *having been thrown out of their places by a popular whirlwind*; and the senate itself, notwithstanding the promise to respect the laws, new as well as old, seconded their representation. *Charles Lullin* was the only one of the expelled senators who presented no memorial in justification of his conduct.

I 2

When

in the success of his mediation: "I wish above all things," were the words of his letter to the senate, "that you may continue to do me justice on the uprightness of my intentions." How respectable this language must appear, particularly when we reflect that it was addressed to simple magistrates of Geneva, by the prime minister of the empire of France!

CHAP.
VIII.May
8, 1738.

When the mediators thought themselves sufficiently masters of the subject, they drew up their plan of pacification: they waited to sound the dispositions of both parties, before they presented it for the approbation of the petty and grand councils, by whom it was received with a species of acclamation. They afterwards sent it to be ratified by the general council, it was there passed into a law, and accepted with *sentiments of the most lively gratitude*. From henceforward it is, the constitution and history of Geneva begin to exhibit a series of interesting events.

CHAP.

CHAPTER IX.

A discussion of the edict of 1738.

WE have seen that the edict of 1738 was the preservation of the republic. By its means, the constitution of Geneva became known through Europe among the various writers on the law of nations ; and tho', from the arbitrary interpretations of the men in power, this edict may have been in general thought disadvantageous to the citizens, the impartiality of those who were its framers, entitles it at least to a candid examination.

CHAP.
IX.

We cannot help doubting perhaps that the cause of the people was not likely to be interesting to men high in office, and therefore necessarily inclined to aristocratical and monarchical principles. We dread the effect of that invincible tendency they must feel in favor of the higher orders of the state : in short the relationship between their own situation and that of the magistrates of Geneva, produces a sort of analogy in principle. It naturally leads to a preference, against which the most upright men can with difficulty guard ;

CHAP.
IX.

guard; not that their dispositions to do justice can fairly be arraigned on account of this propensity, which, in some measure, we may deem as innate.

But the mediators of 1738 were wise enough to soar above the prejudices of their rank; they laboured, not to destroy the democracy or the assemblies of the people, but to fortify them with dilatory formalities, fit to secure them against precipitation, too frequently the ruin of popular states.

In this view, they made it their business to banish from the legislation of Geneva, these *senatus consulta*, in which the depositaries of authority seek only to extend it; and those *plebiscita* equally dangerous, because the rich, not having a share in them, consequently become their natural enemies.

The researches brought on for this purpose, led the mediators to a chain of mutual relationships, by which laws were prevented from being enacted or altered, without the concurrence of every order in the state.

Such was the basis of their work, and their view in it shewed the greater wisdom, as they were invited, not to form a new constitution, but rather to infuse a portion of health into a decayed one, and to prescribe such an invariable course of proceeding, as to enable the state in future to transact matters of legislation with tranquillity. This regulation was as follows.

I. *That,*

I. That all matters carried to the general council, CHAP. IX.
 must be proposed there, only by the syndics, the petty and grand councils. Article V.

II. Nothing (a) shall be laid before the council of two hundred, without having been previously treated and approved (b) of in the council of twenty-five; and nothing laid before the general council without having been previously treated and approved of in the council of two hundred. Article VI.

Had

(a) By this word *nothing* is necessarily understood a reserve of the articles which belong to it, or which are stipulated anew in the preceding article of the same regulation; viz. Elections, &c.

(b) By the ancient edicts, the petty and grand councils were merely commissioned to *treat*, that is to say, to prepare matters in the cognizance of the general council. The senate demanded that in the edict of 1738, the word *approved* should be added, in order, as the memorial expresses it, *not to be obliged to lay before the general council, every proposition or alteration that may strike the imagination of such persons as are fond of innovation*. Presented in this point of view, their demand appeared reasonable to the mediators, who foresaw not, when they adopted the word *approved*, that a day was to come, when the councils would pretend that as *nothing* was to be laid before the general council, without their previous approbation, they had only to refuse their approbation to any affair whatever, to withhold it from the decision of the sovereign council; and that thus, by approving *nothing*, they had a right to lay *nothing* before the general council. It must also be observed, that this sixth article and the addition of the word *approved* were demanded by the senate as *being conformable to ancient edicts*; and that afterwards, when the citizens opposed to the councils the authority of ancient edicts, they were answered that they had been changed by the addition of the word *approved*.

In

CHAP.
IX.

Had the mediators stopt here, they would have tied up the hands of the general council. The disturbances of the republic had originated from the silence of the constitutional laws and could never terminate, whilst the cases which came under the cognizance of the general council, remained specified only by the general and indefinite denomination of *difficult and important cases*.

To nip in the bud a multitude of contradictory pretensions, the mediators drew up an enumeration of the rights of the general council, and of affairs coming under its cognizance. This was the subject of the third article, which secures to the general council the powers of *legislation, election and confederation*, the right of making peace and declaring war, and that of approving or rejecting new taxes as well as new fortifications. This article was concluded by the following solemn clause. *These prerogatives incontestably belong to the general council, and the councils shall not, by any regulation or innovation on their side, derogate from the edicts, or make any alterations in the fundamental laws of the state,*

or

In fine we shall see, to our surprise, that the councils, after having solicited this sixth article, to enable them, as they said, to resist *innovations*, availed themselves of it, to refuse to lay before the legislative body the innovations of which they themselves were accused. Free nations profit by this example; learn by it to rise superior to the reproaches of distrust, with which the favourers of despotism seek to silence the voice of your defenders.

. Et crimine ab uno

er in the present form of government, without the
consent of the general council. (c)

CHAP.
IX.
}

An incontrovertible proof that the mediators meant, that the power of making laws should comprehend that of protecting and enforcing them, is, that they confirmed to the citizens, the right of laying before the syndics, or the attorney general, *whatever representations they judge conducive to the good of the state.* Thus was the general council not only legally invested with the legislative power, but its members also were constituted overseers of the executive body.

Vainly was it afterwards pretended, that this legislative power was extenuated by these words, *that is to say, to reprove or reject new laws proposed, or alterations in those already established.* The only purport of this addition is to delineate the form of exercising this right, which is by simple *approbation or rejection.*

“Your power is almost unlimited,” said the mediators to the citizens, “since no change or innovation can be made, without your consent.” How could they then foresee, that those who
were

(c) This prohibition to the councils to take the liberty to derogate in the slightest manner from the laws of the general council, was rendered still more positive by the last article: *All the articles contained in the present regulation shall have in future the validity of laws, and shall not be susceptible of any change whatever, without the consent of the general council lawfully convened by the petty and grand councils.* Article XLIV.

CHAP. IX. were commissioned to execute the will of the general council, would one day take upon them to interpret its laws, and that, under the frivolous pretence that it was their duty alone to convene the general assemblies, they would also maintain, that it was their duty, and theirs alone, to judge of the transgressions of which they might be accused? Is it to be supposed, that the citizens would have consented to the twenty-sixth article, by which *the thirty-four delegates of the companies of militia were suppressed*, had not the same edict, by which they were suppressed for ever, afforded them in the legislative power of the general council, a tribunal convened, necessarily and without delay, to pronounce without appeal on the sense of the laws, whenever it should happen to be contested. (*d*)

This review comprehends only the principal articles, such as had an influence on the constitution. It were needless to enumerate the securities given to the citizens for the use which the senate

(*d*) It was ordered by the forty-second article, that *a general code should be made, comprehending all the edicts and regulations.*

It will scarcely be credited, that before this edict, the *natives* could not be admitted in their own country to every profession; it was not however until that period, that the privilege of freemen was granted to them, and it was also at the solicitation of the citizens that they were permitted, as well as the inhabitants and subjects to have recourse to the lenity of the grand council in criminal affairs.

The article which met with the greatest opposition was the one concerning the expelled magistrates, although it was drawn up, for peace sake, as the edict says, *and to confirm the reunion.* It granted to these magistrates their discharge for ever, as having served with honor.

senate should make of the garrison; or the measures taken to quiet the apprehensions of government, by preventing the citizens from running to arms without the orders of the magistrates. It may easily be comprehended that, as the distrust of both parties was excessive, the mediators were obliged to manage it with tenderness: consequently, on reading the articles of their regulation, one would be inclined to think, that it was drawn up for the purpose of restraining enemies perpetually intent on plundering each other.

Such is the edict of 1738, which, as long as it remained inviolate, was a source of happiness to the republic. In vain is this edict accused of having left the assemblies of the people at the disposal of the councils, who might fetter them by a multitude of forms: these forms, this police, these regulations, would have proved the bulwarks of the constitution, as long as no efforts were made to break through them, or to withhold from the general council matters that came strictly under its cognizance. In confining the assemblies of the people by slow formalities, and regulating the exercise of their power, the mediators gave proofs of the most consummate wisdom: if their work has been perverted by quibbles, and by the interests of particular parties, as it was beneath their dignity to suspect, so perhaps it was out of their power, to guard against its fatality.

To form a judgment of their work, we should consider their design, that is to say, the evils they were called on to prevent. They endeavoured to find a remedy for every cause of dissension,

CHAP.
IX.

diffension, and considered their task as accomplished by their having dried up the source of all the difficulties that had arisen. Such was the object of the forty-four articles of their regulation: each article should be considered as the illustration of a contested point, as a remedy against an existing evil. These evils proceeded, each from a different cause; however, in condescension to particular prejudices, and to the passions of both parties, the mediators chose to regulate only the litigated points. Hence the incoherence with which their work is reproached; it is therefore not surprising that, taking it all in all, it does not present a regular system of legislation.

The principal flaw in that edict is the suffering the taxes imposed previous to the year 1714, to remain in perpetuity. These annual taxes being adequate to the wants of administration, have rendered it independent of the general council, by which it might easily have been checked, if, as is the case in England, it were necessitated to repeat at certain periods, its demand for fresh supplies. This tie alone would have been sufficient to establish between administration and the general council the salutary chain of dependencies which they were in want of. (e)

And

(c) "If the legislative power, says the spirit of laws, "grant supplies, not from year to year, but for ever, it "runs a risk of losing its liberty, because the executive "power will be no longer dependent on it; and when "such a right is held for ever, it matters little from whom "it is derived."

And yet this prompt and immediate influence of the general council was the more necessary, as every possible method of private oppression had been left in the hands of government, and as the regulation of the mediators afforded no law in favor of personal liberty, which ought to have been one of the most important objects of their labours. They were contented with abolishing, at the citizens request, the atrocious use of the torture: and the friends of humanity have ever regretted that no other precaution in favor of the sacred rights of individuals, is to be found in their work. This is one of the most material flaws in that edict, for, in every state, but more particularly in small ones, personal safety should serve as a ground-work to the superstructure of public liberty.

The edict of 1738 therefore did not remedy that monstrous assemblage of power in the senate, which, by the most anti-republican distribution, (*f*) still centers within itself *the penal, the judiciary*

(*f*) It is by comparison the reader is invited to judge of the very great dangers of this distribution. Wise legislators have thought it impossible to use too many precautions in the establishment of so capital a power as that of inflicting punishments. They from the first have carefully avoided combining the *judiciary* power, either with the legislative or the executive; in the next place, to prevent that power, established for the support of order, from ever militating against its true institution, to prevent its giving cause of jealousy, or endeavouring at an extension of itself, they have wisely taken care to keep these powers separate and distinct.

Thus

CHAP. IX. *judiciary and executive* powers; that is to say, that, exclusive of its political privileges, the senate, by its own authority, can commit to prison, can bring on the trial in the mysterious obscurity of a dungeon, decide without appeal on matters both civil and criminal, invent punishments, and enforce the execution.

It is true, that the mediators confirmed to the general council, rights of considerable extent; but individuals were forgotten by them, and left subject to the oppression of their governors, the more dangerous, as the friends of liberty were exposed defenceless to the whole resentment of a senate, whose usurpations they had made public. The result was that the magistrates, being at once executors of the law, and judges in the case of each individual, were the more tempted

Thus in England, *the justice of peace*, who commits to prison, *the grand jury*, who examine the bills of indictment, *the jury* of twelve men who decide on the fact, *the court of justice*, which pronounces the sentence of the law, and finally *the sheriff*, who provides for the execution, are all so many distinct bodies. By this division of power, together with the open public form of trial, and the privilege of challenge, the effects of influence and connivance are seemingly well guarded against. An admirable distribution, by which the Englishman, considered as an individual, is rendered the freest citizen in the universe!

In Geneva, on the contrary, where no code of penal laws exists, the senate, possessed of a combination of all the political powers, and invested with the military force of the state, have also the superintendence over the entire conduct of the citizens, so that they have always had it in their power to make a crime of the most innocent action, to fix the degree of punishment according to what they are pleased to term a crime, to pronounce sentence, and to enforce its execution.

tempted to infringe the former, as they hoped to intimidate their defenders, and that no obstacle prevented their turning against their constitution, the authority entrusted to them for its support.

Thus to leave entirely at the discretion of the senate, the very citizens who were called upon to watch its motions, was exposing them to a perpetual struggle between the duty of defending their laws, and the dread of incurring the resentment of the administrators, who, having at all times a different interest from the people, must naturally lean with a heavy hand over the censurers of their administration.

The mediators should have foreseen the melancholy consequences of that continual reaction between the citizens and the magistrates; they should have remedied the disorder in the criminal jurisprudence, appointed some formalities to be invariably observed in prosecutions, commanded them to be public, established the privilege of peremptory challenge, endeavoured to prevent partiality to persons, and censured contradictory judgments in similar cases: they ought, in particular, to have established penal laws, and given to the general council a negative power, sufficient to oppose with success the violation of these laws. This is what made J. J. Rousseau say, "*In Geneva, they have been always led astray by appearances, and neglected essentials: too great pains have been taken concerning the general council, and too little about its members; authority should have been less, and liberty more their object.*"

Another

CHAP. IX. Another regulation, peculiar to the edict of 1738, and in which its projectors entirely failed in their purpose, was the too slight augmentation of the grand council, which they raised to the number of two-hundred and fifty members, whilst, at the same time, they extended in some respects the degrees of kindred as a disqualification from admittance into the senate. Their view in this innovation, was to extinguish the private discontents and secret jealousies caused by that closely concentrated, tho' elective, aristocracy, which had been struggled against for near a century: but in a state, in which the powerful families were daily encreasing, the trifling addition of twenty-five persons to the grand council, was a remedy very much disproportioned to the greatness of the evil: an evil which we shall soon see become a new source of distress to the republic. Since the mediators intended, as they themselves declared in the regulation, *to make a greater number of persons participate in the government of the state*, since they purposed to make the council of two-hundred, according to the intention of its institution, an intermediate body between the senate and the people, they should have given the latter a share in its election, but as long as the executive power enjoyed the entire possession of that privilege, the grand council could not be considered as a representative of the general council, and the equilibrium was destroyed.

It is true that the mediators confirmed to the general council the right of rejecting a part or even the whole of the persons presented for the principal magistracies, until such as were *agreeable* should be offered. This unlimited right of refusing

refusing to choose their magistrates from amongst the members of the petty and grand councils, gave the people the power of creating new councils, whenever they were dissatisfied with the conduct of those that existed, or at least to recruit them by the annual introduction of private citizens, on whom they might have conferred the employments of syndics, lieutenant of police, treasurer, attorney general, and auditors.

From this examination it results that the two essential faults committed by the compilers of the edict of 1738, were, that they did nothing in favor of personal safety, and that they were contented with only forbidding the magistrates to infringe the laws of the general council. A bare declaration *that the councils should in no respect derogate from the laws of the general council* was insufficient; they should have given the latter legal, speedy and efficacious means to prevent the invasion of personal rights and the violations to be apprehended from the administration. Now both the elective right and the privilege of refusing to elect were inadequate to this salutary purpose: these means, tho' at once preservative and restrictive, were subject in their execution to so many obstructions, that to wind up the political machine, they made it necessary to be taken asunder and plunged the state into a species of anarchy. Thus the remedy became as dangerous as the disease; and our history will furnish more than one proof that if there be a certain principle in legislation, it is this, that it is wiser to supply the people with slow means to prevent abuses, than with arms to punish them.

K

Besides,

CHAP.
IX.

Besides, as will be seen hereafter, this unlimited right of refusing to elect, was, if we may use the expression, fettered with respect to the syndics, by a real inconsistency between the second article, which enacts, *that the syndics shall be chosen only from the council of twenty-five*, and the third article which secures to the general council the right of *choosing from amongst the candidates presented, those whom they shall think proper, or of rejecting them either in the whole or in part.*

From this contradiction between the second and third articles, which the general council had taken notice of to the mediators, and which has been, as shall hereafter appear, one of the principal subjects of the divisions of 1766, some have been inclined to think, that the intentions and instructions of Count *de Lautrec* were to defer to another time the unravelling of one of the greatest difficulties that arose in the reconciliation to be effected between government and the citizens, and to reserve to the latter a power to check in extreme cases. In effect, the mediators purposed only a provisional work, and quitted the place, after obtaining the general council to be acknowledged as the sole legislator: thenceforward, to this legislator alone belonged the interpretation of all the obscure laws, and the enacting of new ones, to meddle with which might, at that time, have roused the passions of both parties and opposed the success of the whole work. In fine, if, to discover the intention of the mediators, it be sufficient to peruse their work, it must be acknowledged that, in an arbitration of such delicacy, they divested themselves

themselves of all private interest, listened to no other than that of the republic, and had no thought, as they themselves express it, but that of *enforcing a respect for the laws and the authority of the magistrates, and of preserving the rights and privileges of the people*, that is to say, to secure tranquillity to the executive, and liberty to the legislative power.

The reader may perhaps complain of the length of this discussion, but let him reflect that the revolutions of Geneva are only those of her constitution, and that, to enable him to follow them with a lively concern, it was necessary to dwell on the regulation of 1738 when the republic received form and consistency. It was the more essentially necessary to make the reader catch the general spirit of this law, it being often in contradiction with its own terms, and that it has been the foundation of pretensions formed since that time. Besides the constitution of Geneva is, to foreigners, like a language that has niceties difficult to attain. Even a citizen of Geneva, to be thoroughly master of the constitution of his country, should not have lived always there, and should notwithstanding have closely watched the movements of its government. It is, as one may say, a place, of which a true knowledge cannot be gained either from within or from without. The author's design will be accomplished, if he has enabled foreigners to judge of it clearly.

CHAP. IX. Not satisfied with displaying in its true light the integrity, for which the mediators of 1738 were distinguished, and desirous to crown them with due praise, I now proceed to shew by what means they endeavoured to establish public peace on a durable foundation; with this view they generously offered to guarantee the execution of the laws of Geneva, and stipulated that guarantee in the only manner whereby the independence of the republic might be secure from infringement.

CHAP.

CHAPTER X.

Of the act of guarantee annexed to the edict of 1738—of its tenor, its drift, and its consequences.

WHOEVER has followed the secret working of the constitution, must have perceived that one of the views of the mediation was to subject the legislative power to formalities, tending to render the exercise of that power dependent on the inferior councils, and at the same time to preclude the citizens every species of violent means to set themselves above these formalities.

CHAP.
X.

But, to induce them to a voluntary renunciation of this right of resistance, it was necessary to afford them a firm bulwark against oppression: without that all the advantages of the treaty would have been in favor of administration. The citizens, with their hands tied and deprived of all physical energy, would have remained at the mercy of the executive power, which is always in action, and for support of which every imaginable precaution had been taken.

The

CHAP. The mediators were sensible of this; it was the
 X. guarantee itself they presented to the people as
 the necessary counterpoise: and, from the nature
 of the circumstance, it is an incontestible truth,
 that the guarantee annexed to the edict of 1738,
 was principally granted to the legislative against
 the executive power.

This act specified, that the three mediating powers, having had no other *intention in granting their mediation, but to establish amongst every order of the republic a firm and permanent peace, have thought fit, for preventing a return of past troubles, and for insuring perfect tranquillity, to grant (without affecting or prejudicing the independence and sovereignty of said republic of Geneva,) the guarantee of the articles herein set forth promising to guarantee the execution of them, which must not be attempted but in concert, and after having previously employed their common good offices.*

The example of three powers so respectable interposing generously in the affairs of a handful of citizens, reaping no advantage from success but the satisfaction of having been useful to mankind, and wishing for no other reward than the certainty of permanent success, diffuses satisfaction over the mind which is heightened by the consideration, that it is rare to see great states lend a kindly hand to inconsiderable ones, take a friendly interest in their behalf, and, above all, respect the feebleness of their condition.

In effect this guarantee is far different from that of treaties in which mutual interests connect the contracting powers. Here the resemblance

blance fails; in the act of 1738, the only object attended to was the good of the republic. The greater her weakness, the more her generous benefactors thought their dignity concerned in divesting themselves of all appearance of personal interest; they offered their guarantee, but not without all the caution necessary to quiet the apprehensions of the citizens with regard to every possible abuse of it.

After having done justice to the purity of intentions of the guarantees, let us now explain the nature of their office, from the very terms of the engagement they entered into. They engaged to guarantee the execution of the edict of 1738, the forty-four articles of which may be reduced to a determination of the exercise of the legislative and executive powers.

The guarantee is therefore no more than the support of the legislative and executive powers, whenever the exercise of them is disturbed by illegal force, which the republic is not able to withstand alone. Exclusive of cases of that extraordinary violence, it is evident that the three mediating powers cannot interfere, without deviating from their engagements. From thence it results,

I. That the general council is the only legislator of Geneva, that the laws can receive no change without its consent, and that the guarantee annexed to the edict of 1738, is only to strengthen and support it,

II. That

CHAP. II. That the guarantee can be exercised only
 X. in cases of fact, and not in questions of right.

III. That if the guarantees ever interfered in questions of right, that is to say in disputes that may arise from the obscurity of a law, their only duty, if any be required, is to maintain the legislative power in the general council, that is to say, to lay before it the interpretation of the contested law.

IV. That in every cause whatever, the guarantees have bound themselves to employ *previously their common good offices*, and in particular not to exercise their guarantee in any manner that can be the slightest invasion of this remarkable clause, *not to affect or prejudice the independence and sovereignty of the republic.*

V. That the act of guarantee, *being an act binding on both parties*, it can neither be laid aside, or admit of an extensive interpretation, without the consent of the state guaranteed; and that the citizens may at all times give the act of guarantee a construction favourable to their interests, should the mediating powers ever attempt to set up a claim to interfere in matters of legislation.

It must here be carefully observed, that as the guarantee of the legislative power implies a guarantee of its exercise, that is to say of legislature, it incontestibly follows, that the three powers have guaranteed in advance all the changes which, in the course of time, might be made in the laws, in virtue of this legislative power;

power; just as in guaranteeing the executive power, they engaged to support every act of government at all times. This consequence was the more essential to the happiness of the republic, as, if some of her laws had, and others had not, been guaranteed, there would have been a perpetual clash between the respect due to each of them.

All the fundamental laws are therefore confirmed in the first article, and all the amendments, which they might afterwards undergo, are guaranteed and protected by the same guarantee. Thus the small republic of Geneva has, over so many other more considerable states, the inestimable advantage of possessing within herself, all the powers necessary to give free scope to her political machine, and of finding at the same time amongst her friends and allies sufficient force to shelter her from every species of usurpation, by which small states are sooner or later destroyed.

It has been matter of regret to some, that the act of guarantee left undetermined the cases in which it should be called upon; but, it is this indefinite situation which proves the perfect disinterestedness of the mediators. Sensible of their inability to explain the manner in which the guarantee should be summoned, without encouraging its interposition, and consequently in some measure wounding the independence of the republic, they thought that the true method to insure tranquillity, was to suspend in an indeterminate manner the sword of the guarantee over the heads of the ambitious, without how-
ever

CHAP. ever legalising in any manner the means of
 X. recurring to it.

If this guarantee, which it was reasonable to think would have been the prop of the republic's independence, is since become a source of trouble, it is that every thing is liable to abuse; for in whatever light the act which ratifies it be considered, nothing seems wanting but more equality perhaps in the respective power of the three guaranteeing states; and yet, as that inequality made a difference in the private interest of each, it seemed to be a further security to the Genevese against the guarantees being exercised in a manner prejudicial to the republic.

But it is particularly in the stipulation respecting the nature of the power of the guarantee, that the integrity of the mediators shines forth in all its lustre, since they agreed to act only in concert, and to entrust to the cantons of Zurich and Bern alone the exercise of that power; so desirous was the French monarch to shelter the citizens of Geneva from the apprehensions which his monarchical principles must naturally inspire! so desirous was he in particular to divest himself of the awe which the greatness of his power might strike into a defenceless state, whose security, happiness and independence he wished to perpetuate!

From the above exposition it is easy to see that, happen what may, as long as this remarkable article shall be read in the act of guarantee, *"the laws shall not be susceptible of any change whatever, without the consent of the general council,"*

“ *council*,” the citizens of Geneva may confidently say : “ It depends not on any guarantee-
“ ing power to change our laws. Undoubtedly
“ they may use violence, but they cannot take
“ a part in consequence of any compact, and
“ we shall be free as long as they shall con-
“ tinue to respect the faith of engagements.”

CHAP.
X.

CHAP.

CHAPTER XI.

*The acceptance of the edict—The public rejoicings,
and departure of the mediators.*

CHAP.
XI.

May
8, 1738.

THE edict and the act of guarantee had been received with acclamation by the petty and grand councils. The mediators had testified a desire of assisting at the general meeting. The regulation which they presented for the sanction of the sovereign council was rejected, in their presence, by thirty-nine persons; a circumstance, at which they did not take offence. Far from being wounded by their refusal, Count *de Lautrec* considered it as a proof of the entire liberty with which the regulation was (a) accepted; and publicly declared that he looked on that day as the most glorious of his life. The plenipotentiaries, witnesses of the eagerness with which their work of peace was received, returned with the pleasing consciousness of having employed

(a) It was accepted by thirteen-hundred and sixteen votes, against thirty-nine.

ployed for its reception no means but mildness, patience and persuasion.

CHAP.
XI.

It were unnecessary to enumerate the entertainments given them by the republic. It is not an account of feasts, it is not a description of the medals struck to eternize the memory of the event, nor the reception of the ambassadors sent to bear the grateful thanks of every order in the state to the mediating powers, these are not subjects that deserve to fix the attention of the reader, but what the mind can dwell on with pleasure, is the expression of public joy, and the reconciliation of the two parties; a sight, which raised to the highest pitch the satisfaction of the mediators, who read on every countenance the presage of a lasting peace. Who could remain unmoved at seeing the friends of liberty and concord, in the effusion of their hearts, shed tears of joy: at seeing every order of the state weep over their past prejudices, and in the transports of the public extacy, go hand in hand to the foot of the altars, there consign to oblivion mutual offences, and plight themselves to become a people of brothers?

Geneva! on this happy day, you no longer appeared a city torn by the hands of her own children, but a single family united by the bonds of political equality, subordination to magistracy, and obedience to law.

After having enjoyed this affecting spectacle, the mediators departed, carrying with them the blessings of the people, and the pleasing hope of having

CHAP.
XI

having given a permanent peace to citizens who deserved their entire esteem. Count de *Lautrec*, in particular, sealed his generous behaviour by the friendly exhortation which he addressed to the magistrates, recommending to them never to lose sight of the true principles of republican government.

"I cannot but exhort you, my lords," said he to the magistrates, in the public audience previous to his departure, *"I cannot but exhort you to divest yourselves of every sentiment of animosity and passion capable of interrupting the duration of the happy peace on which I now congratulate you. The experience of past troubles should invite you to exert yourselves efficaciously to reunite all your fellow-citizens by examples of gentleness and moderation, necessary in a state where the confidence of the people is the principal strength of the government."*

Why was this salutary advice despised? why did the magistrates, whose authority had been confirmed, neglect the only means of rendering it agreeable and respectable? why violate the solemn engagements they had just (b) contracted?

(b) The following is the manner in which the first syndic *Calandrin* addressed the citizens in the general council held on the 8th of March, when the regulation of the mediators became a law of the state. "Be persuaded, magnificent and sovereign lords, that our only employment, our only concern shall be to seek the welfare of our dear country, and to maintain our constitution and our edicts such as they are going to be established by your lordships. With such sentiments we have reason to presume on your confidence, which is absolutely necessary for us in the exercise of our employments."

tracted? why prefer the respect of the people to their confidence, their fear to their love? But let us not anticipate events, that will happen but too soon. It is so pleasing to let the imagination dwell on the image of peace. Too soon shall we be obliged to turn away from it the eyes of the reader.

CHAP.
XI.

END OF PART I. .

THE
REVOLUTIONS

OF

GENEVA.

PART II.

1881

RECEIVED

1881

LIBRARY

1881

THE
REVOLUTIONS
OF

GENEVA.

PART II.

CHAPTER I.

*Of the years subsequent to the edict of 1738—
Prosperity in commerce—Improvement in the arts
—Progress in knowledge.*

HITHERTO the history of the Genevese can scarcely appear interesting, except from the ardor which they displayed in defence of liberty; but this sentiment was not yet sufficiently enlightened, and we have seen that too strict an attachment to legal formalities had betrayed them, on the discovery of the *cannon-spiking*, into an irretrievable oversight. Is it surprising that they should be ignorant how to avail themselves

CHAP.
I. }

L 2 of

CHAP. of their advantages? the chiefs of the people
 I. were but traders or artists, who, intent only on self-defence, could never rise to extensive views of legislation.

Even *Marcet* and *Deluc*, who distinguished themselves by the warmth of their zeal, committed many errors, and became so excessively minute in their own conduct, and distrustful of that of the magistrates, that often, from too much attention to trifling circumstances, they lost sight of their principal object. But in some time after this, the dangers, from which the citizens had escaped, produced amongst the greater number of individuals, a spirit of inquiry and reflection, unassisted by which patriotism is but a deceitful guide; the advantages liberty derived from hence were perhaps of more consequence, than the privileges secured to the people by the edict of 1738.

This was the first time that the citizens had strength enough to oppose the senate's encroachments: the sanguinary scenes of 1707 were still deeply engraved on their hearts, but the terrors which had then been inspired were past, and the recollection served only as a lesson to the people, on the importance of preserving the peace and supporting the edict of 1738, by which the litigated questions had been decided. This edict would undoubtedly have cemented the reunion, had the magistrates thought proper to avail themselves of it, had they adopted that popularity of conduct, which, in the preceding centuries, had been the support of their influence, and had they endeavoured to re-establish and to cherish

cherish that wise correspondence, that mutual esteem, that union of hearts, which once disregarded renders the peace of republics only a dangerous slumber. CHAP.
I.

But of all the passions, none is so apt to blind its votaries as the lust of power. Whether the preceding discussions had made an irrecoverable breach between the two parties, or, that the most powerful families thought to create for themselves a kind of patrician rank, by abandoning the familiar and social intercourse with which they had formerly lived amongst their fellow-citizens, certain it is, they endeavoured from this time, to establish in fact, ideal distinctions, which the new law was calculated to force them to renounce. They shewed an absolute contempt for that popularity of manners, which, in the Helvetic aristocracies, wisely tempers, by a semblance of equality, whatever in pre-eminence of rank appears offensive, or that in submission to power appears burthensome to the greater part of (a) mankind.

Mean-time the rapid revolution that was taking place in commerce and arts rendered the communication

(a) The coffee-houses, the exercise of the arquebuss, that of the bow, the companies of militia, and every place of public meeting were deserted by the rich. Their aristocratic manners could not even bend to promote the success of their projects. They hoped to awe the people by reserve and stateliness, and entirely forgot that the only possible method to govern a republic, is to acquire a dominion over the hearts of its citizens.

CHAP. I. communication of the different classes daily more necessary. The art of watch-making was hastening towards perfection, and insensibly supplanting these dangerous manufactures, which had long been subversive of political equality, aggrandizing an inconsiderable number of masters by the labour of a multitude of under-workmen.

The astonishing success of the new branch of industry, which is at this day the staple trade of the republic, arose in great measure from the following important change. The *natives*, who formerly were not allowed to set up as masters, but were compelled to be journeymen only, a few handicrafts excepted, were now admitted to the privilege of being masters; a permission granted by the edict of 1738: their encreasing prosperity was a proof that exclusive privileges are the bane of emulation, and that success is almost ever the concomitant of liberty.

Every individual who applied himself to the art of watch-making, found in it very considerable resources: the artist rose to be nearly on a level with the merchant, and was enabled to throw off the yoke of the rich. So rapid were the effects of the competence which the people enjoyed, that a genius for the arts, for commerce and the sciences, was soon displayed in every class.

But let not the causes of this general prosperity be mistaken; it was produced by the characteristic activity of the Genevese, and not by
the

the efforts of their administrators, who seemed, on the contrary, fearful of the success of their fellow-citizens, and more than once endeavoured to nip their industry in the bud. (b) Never did any government exert itself less for the improvement of the arts. Geneva in her prosperity was the image of a family, whose careless father attributes to himself the abundance resulting from the economy and labours of his children.

CHAP.

I.

The art of watch-making had diffused through several families that desirable mediocrity, which teaches men the value of liberty, and facilitates education. Fathers felt the necessity of perfecting the talents of their children; knowledge of every kind diffused itself, and multiplied in shops and work-houses. When therefore it is said, that the citizens of Geneva are more enlightened than those of other countries, it would perhaps be more just to say, that competence is more general in Geneva than elsewhere, and that in no other place are to be seen so few of that inferior class of men,

(b) Almost at the beginning of this century, the senate had appeared alarmed at the prosperity of the *natives*, whom competence was insensibly rendering independent of the rich: they were repeatedly inventing obstacles to oppose the reception of apprentices from that class to the higher professions. The *natives* justly complained of this, but their remonstrances were ineffectual. The senate persisted in impeding their advancement, and yet the general prosperity failed not to gain ground; but, what is strange, the administrators had afterwards the assurance to found a claim to panegyric on this general prosperity. They cannot be more properly compared than to the impassible Gods of *Epicurus*, who boasted of being the directors of the universe, without however taking any share in the motion of the machine.

CHAP. I. men, the most numerous in other states, who are forced by poverty to vegetate in dependence, bigotry and ignorance.

To these causes must be added another, which operated towards the beginning of the century, and of which Geneva availed herself more than all the rest of Europe. I mean, the excellent works which appeared, at that period, on the science of government; a science, which 'till then existed only in maxims scattered through the works of *Tacitus*, and some authors far beyond the reach of the vulgar. The first studies of a free people, long agitated by frequent revolutions, must naturally be turned to politics; the citizens of Geneva boast, that it was amongst them *Montesquieu* received the earliest tribute of the applause so justly his due. The better works of *Voltaire*, and his residence in the neighbourhood, contributed equally to inspire a general taste for literature; several of the Genevese soon rose to the knowledge of interesting and useful truths; and from the comparison between their own liberty, and that of other nations, they derived fresh motives for admiring and defending their own constitution.

Spite of this happy change, the senate never once lost sight of their projects. Whilst the attention of the citizens was almost entirely engrossed by commerce, and the arts, the members of the aristocracy renewed their efforts, and artfully contrived hidden resources, even whilst they appeared entirely taken up with the public good. The imminent danger of the republic in 1743, during the invasion of Savoy by the Spaniards, and, soon after, the treaties which she concluded with

with the court of France in 1749, and with the king of Sardinia in 1754, were so many causes of diversion to the thoughts of the citizens, and consequently so many temptations for the senate to abuse the opportunity.

CHAP.
I.
June, 13,
1754.

They had availed themselves of this diversion to persecute the unfortunate *Micheli*, (c) and to propose to the general council a tax, intended to defray the expense of the fortifications of the suburb of St. Gervase. It was on the refusal of this tax that the discontent of the placemen burst forth; they called the regulation of the mediators "a partial testament, in which strangers had been favoured to the disinheritance of the children, who were reduced to the bare portion secured by settlement." From hence-forward it was easy to see, that they laboured in secret to free themselves from the edict of 1738.

13th July.
1750.

The

(c) He had retired to Bern, where he justly complained that the edict of 1738, by which the degraded magistrates had been reestablished, had not recalled him to his country. The senate of Geneva requested of the senate of Bern that they would have him arrested, *insinuating to them* (these are the expressions in the records) *that it would be ill-advised to send him to Geneva, and that it was expected from their confederate affection as allies, that, if he were arrested, they would keep him confined in one of their castles.* In consequence of their *confederate affection*, the senators of Bern caused *Micheli* to be pursued to Zurich, Neuchâtel and Bâle. In this last town his papers were seized and sent to the senate of Geneva, who ordered them to be *burnt in small quantities, lest it should be taken notice of*, as the records say. This seizure was not productive of any disturbance in Geneva; how could the citizens have suspected that it was at the instigation of their own magistrates?

CHAP.

I.

The first wound given to that salutary edict, was the distinction of procedures into *lesser* and *greater*; an alarming distinction, introduced by the senate, in order to free themselves from the obligation imposed on them by the thirtieth (*d*) article, to grant to every person accused a copy of the proceedings, and the right of having his cause pleaded by an advocate. These means of defence had been confirmed by the edict of 1738 indiscriminately to every person arraigned; the senate however wrested them from individuals charged with petty crimes, determining these in a summary way, without permitting the parties to have any knowledge of the depositions against them: they accomplished nearly the same end in criminal matters of higher nature, and induced most persons accused not to claim the privileges of the thirtieth article, by giving them hopes of more expedition and lenity from the judges, if they trusted themselves to their mercy.

It is remarkable that, whilst the senate were thus disengaging themselves from the fetters with which the mediators of 1738 imagined they had wisely restrained their passion for arbitrary sway, the citizens of Geneva, those very citizens who have been constantly accused of an over-jealous vigi-

(*d*) ART. XXX. "In order nevertheless that the person accused may be the better enabled to defend himself, he shall have a right to choose, if he or any person in his name require it, an advocate and an attorney, who, on pain of being stript of their gown, shall be obliged to serve him The procedure, being concluded, shall be communicated to the advocate and attorney of the defendant, as well as to both his assistants, a week before sentence be pronounced, if they require it, &c."

vigilance, and represented as factious and turbulent, made however no public complaint against an innovation of so serious a nature in its consequences to personal liberty. CHAP.
I.

They gave another equally strong proof of their wish not to disturb public tranquillity, in the patience with which, during the space of twenty-five years, they waited for the execution of the forty-second (e) article, by which government was obliged to publish all the laws without exception. This general code had been considered by the mediators as the most certain means of directing the obedience of the citizens, and of securing the lawful authority of the magistrates; but the latter, foreseeing the mortal wound it would give to their arbitrary system, were regardless of the engagement they had so lately contracted. When they were asked by some citizens to fulfil it, they coldly advised them “to unite the scattered edicts already printed, and to collect them themselves;” as if it were true that they had all been printed, and as if that were complying with the order of the legislator!

This is not all, the senate had availed themselves of the first moments of inaction, by which the reconciliation of 1738 had been followed, to make different regulations, whose authority essentially derived from the *legislative power*.

(e) This article expressed: “That every person may be acquainted with the laws of the state, and therefore submit to them with the greater readiness, there shall be formed with all possible expedition, a general code, printed, containing all the edicts and regulations.”

CHAP. *er.* Since the exclusive right of legislation had
 I. been conferred on the general council, it is evident that no sumptuary laws could be enacted in Geneva without its sanction, and that, of all the laws, those that came immediately under its jurisdiction, were such as had a tendency to preserve or alter the manners of the nation, that is to say, to alter the nation itself. The petty and grand councils notwithstanding took the liberty to publish of their own private authority, and under the modest title of *ordinances*, what were in reality sumptuary laws. The majority of the citizens, wearied by the preceding troubles, and determined to oppose none but important encroachments, were not at first sensible of the very great danger of this usurpation, and did not remonstrate against it.

January
1747.


But this violation was not only fatal from the wound it gave the edict of 1738, it had also more serious consequences with regard to the morals of the people and the introduction of luxury; for, as the sumptuary laws were framed by the combination of the rich, it is easy to conceive that it was their wish to encourage the progress of luxury, as a resource of enjoyment or distinction for themselves, and as the means of enervating the people, who in every country imitate the fashions of the rich.

Their attempt was but too successful; the simplicity of republican manners was still preserved entire in the Helvetic cantons, yet was luxury making so rapid a progress in Geneva, that, within a very few years, some citizens who had been absent from their country, were strangers to its manners on their return. Some
 of

of the aristocratic party had contracted in France, and introduced into the circles of their acquaintances, the haughty and ridiculous manners of French financiers: and if the national character was still preserved amongst the class of citizens, their manners however were become more soft, more elegant, and on that account less republican. This was perhaps the most fatal blow the aristocracy gave to the citizens liberty, and luxury is still the most dangerous enemy they have to combat.

CHAP.
I.

Geneva! my country! thou art but a corner of the earth, hardly perceptible to geographers, thy virtues have deserved the attention of philosophers, and thou mayest still be proud of their encomiums. Remember that freemen who feel the imaginary wants of luxury, have lost already half their natural independence. Learn, that if despots sow division to ensure rule, aristocracy impoverishes, to render the people slaves to the rich. - Geneva! Geneva! However imminent the dangers that surround thee, however numerous the thunderbolts of war that threaten thy ramparts, still mayest thou escape the impending calamities; but if speedily thou do'st not check the increase of luxury, be assured the time is not distant, when thou shalt offer to view nought but palaces and huts, masters and slaves; slaves, that will

CHAP. will not even regret the equality and liberty
I. which their ancestors enjoyed (*f*).


C H A P.

(*f*) When the author wrote these last lines, he was very far from foreseeing that the court of Versailles would persist in effecting by armed force a revolution, which, without the necessity of treasures or troops, sooner or later, must have been accomplished by the gradual introduction of French manners. All is changed in Geneva, since she no longer is a republic; her inhabitants should forget they ever were republicans, and the only means for the aristocratic faction to atone for their crime, is to push it to extremity: that is to say, to plunge their fellow-citizens still deeper in luxury and corruption, and to obliterate, if possible, even the recollection of their former condition. There are deep afflictions that cannot be assuaged but by intoxication; there are disorders for which no remedy is left but opium.

CHAPTER II.

The first seeds of the public discontent—Of the residence of J. J. Rousseau in Geneva, his writings, the decree against him, and his misfortunes—The sentence of Piçtet—The erection of a tribunal without syndics—The alarming aggrandizement of the Tronchin family.

HAD the able men at the head of affairs, CHAP. II. been contented with enervating the citizens by the introduction of luxury, had they continued the secret and slow encroachments that, for twenty years, they had carried on against the edict of 1738; it is evident from every circumstance, that they must have gradually transmitted to their children the reins of a real aristocracy. But nothing proves more strongly the danger of listening to the counsels of ambition, than the imprudence with which the senate repeatedly exerted stretches of authority, fit only to alarm the imagination of the citizens, at a time when encrease of knowledge taught the public to plead for and support their rights.

Personal

CHAP.
II.

Personal liberty was the first object of the senate's attack. Two merchants, unjustly suspected of having been concerned in a robbery, were publicly dragged to prison, without being allowed the privilege of being first brought before the syndics, as was required by law. Some time after they were declared innocent, but they obtained no sort of indemnification. One of them, (a) *A. G. Binet*, ruined by this illegal imprisonment, in vain exerted himself to engage the citizens to support him against grievances, in which the safety of every individual was concerned: their silence deceived the senate with regard to the real dispositions of the people, and they ventured on a career of which they had not sufficiently measured the extent.

J. J. Rousseau was come to Geneva to return to the protestant communion, from whence he had strayed through the folly of youthful days spent in romantic wandering. He studied in the constitution of his country those great principles of political economy, that he soon after displayed, and which increased that celebrity so much lamented by him towards the close of his life. During a residence of some months at Geneva, he preferred the society of private citizens to that of men in power, whose pomp and principles he held in detestation. His attachment to the people,

(a) I think it unnecessary to subject myself to the slavish use of *Mr.* before every proper name; as it would only lengthen the narration, and give the history the insipid tone of a gazette. Tho' many persons that are still living be spoken of in the sequel, the omission of this insignificant title cannot offend them, as it shall be general.

ple, the value he set on the title of citizen of Geneva, the esteem of his countrymen, his connection with the quondam deputy *Deluc*, his fondness for political equality, and his contempt for the rich, which he sometimes carried too far, drew on him the hatred of the partisans of aristocracy, who have been without doubt the real authors of all his misfortunes.

CHAP.
II.

We have been assured that they made several attempts to induce him to dedicate to the senate, his discourse on *the origin of the inequality of conditions*; but this great man persevered in paying homage to the sovereign of his country: the extent of genius, the sensibility of disposition displayed in his dedication, were admired by his enemies; but they never could forgive his refusal, the lustre bestowed on the sovereignty of his fellow citizens, or his efforts to establish among them the liberty and severe virtue of republicans. It was whispered from that moment, that he was the instigator of sedition already prepared in his *social contract*. *His view in that work*, said they, *was to destroy government in general, and in particular to subvert that of Geneva*. Thus, for having written a panegyric on his country's constitution, the virtuous *Rousseau* was accused of wishing to subvert it, and became himself one of the first victims of the invasions it had suffered from designing men.

The Emilius had been condemned, and a war-rant issued by the parliament of Paris for apprehending its author; the magistrates of Geneva went further still: scarce were *the Emilius* and *the social contract* published, when the senate declared

M

these

CHAP. these two writings *rash, scandalous, impious, tend-*
 II. *ing to subvert the christian religion, and all govern-*
 19th June *ment*; the two treatises were torn by the hands of
 1762. the common hangman; and, by an unprecedented
 procedure, their absent author, residing in France,
 outlawed in Paris; and whose work had been
 printed in Holland with permission, had a war-
 rant issued against his person in Geneva.

On the day that this fatal sentence was pro-
 nounced, the republic seemed covered with a veil
 of darkness. Struck with an impression of grief
 and surprize, the friends of *Roussseau*, that is al-
 most all the citizens, addressed each other, with
 tears in their eyes, " alas! what will become of
 " us, if the veneration with which one of our fel-
 " low-citizens has inspired us, renders him cri-
 " minal in the eyes of our magistrates? What
 " are the new calamities with which they threaten
 " us? Do they imagine that we have degene-
 " rated from the virtues, or forgotten the wise
 " exhortations of our fore-fathers? Do they hope
 " to make us approve of their revenge, by mask-
 " ing their conduct with a fictitious respect for
 " religion, whilst they are preparing to trample
 " it under foot? ... (b)

The

(b) One magistrate alone, the syndic *Jallabert*, combated
 the opinion of the rest, but was not listened to, it was pro-
 posed, but ineffectually, by some of the senators, that the
 sentence should be suspended for a time. One of them,
Dupan junior, on his return home, said to his wife, with
 consternation in his looks; " I am much afraid that we
 " have prepared new misfortunes for the republic."

The religious zeal with which the senate coloured this sentence, was too slender an artifice not to be seen through by most foreigners; it was known to all Europe that the men who burnt in Geneva the writings of *Rousseau*, publicly tolerated within the walls of the same city, the impression and sale of *Voltaire's* works in which the christian religion is attacked at its very root; whilst *Rousseau* was for lopping off some branches, only to give more vigour to the trunk.

Moreover this sentence was equally contrary to the principle of justice, according to which it is not allowed to try a man in two different states for the same offence; contrary to the rights of nature, which forbid condemnation without granting time for defence; contrary to the toleration, which had long before been established in Geneva for works on the rights of man; and, in particular, contrary to the spirit of meekness and charity professed by the protestant religion; a religion, which far from forbidding a respectful examination, wisely recommends it to its disciples. This is not all; to prepare chains for *Rousseau*, the senate of Geneva violated, with respect to him, the law which conferred on the court of consistory (c) the first cognizance of religious offences; 'tis before this tribunal says the law, *that whosoever utters opinions contrary to the established religion must be*

M 2 sum-

(c) The *consistory* is a tribunal chiefly composed of the pastors of the city and country, and twelve laymen. This tribunal superintends the inspection of morals, and the support of the ecclesiastical police.

CHAP. *summoned; if he submits, let him be tolerated without scandal or defamation, if he be obstinate, let him be reprimanded, &c. (d)*
 II.

This law, the work of *Calvin*, was wisely intended to prevent religion from becoming, in the hands of government, a means of oppression. It was under this law *Morelli* had been tried two centuries before; and the apostle of toleration deserved at least that degree of respect from his country as to prevent her, in order to disgrace him, from trampling upon her laws, her customs and every principle of justice. The affliction of *Rousseau*, the indignation of all Europe, and the consternation of his patriotic fellow-citizens, at this unjust decree, are already sufficiently known.

Let it not be imagined, however, that this resolution was taken in one of these moments of delirium, against which even the most virtuous governments cannot be always on their guard. Could we but search into the records of revenge, we should perhaps discover, that the partisans of aristocracy in Geneva were the very men who suggested to the parliament of Paris that stroke of intolerance, which they shewed such eagerness to imitate; at least, the manner in which they prepared their decree, the stretches of authority
 with

(d) Ecclesiastical ordinances, art. 88.

with which they supported it, (e) and the persecutions with which the unfortunate *Rousseau* was thenceforward chased from place to place, leave us no room to doubt.

C H A P.
II,

An event, to which his sentence gave rise, had also a considerable influence on the succeeding troubles. *Piçlet*, a citizen of an ancient and distinguished family, censured, in a letter addressed to one of his friends, some passages in the *social contract*; but he condemned in far stronger terms the decree of the senate against its author; which he attributed to the interest of the *Tronchin* family,

(e) *Rousseau's* relations demanded from the senate a copy of the decree; it was refused, and we may judge how alarming these dark proceedings must have been to the citizens

Another proceeding no less alarming was the injustice done to *Bardin* the bookseller. Before the condemnation of the *Emilius*, a magistrate of police asked him, if he did not expect that work? *Bardin* replied that he had some copies on the way; the magistrate summoned him to give notice whenever he should receive them. The bookseller punctually obeyed the order; but how was his honesty rewarded? The senate seized on his copies, refused to pay for them, and thus exhibited in their own conduct an example of the injustice which they had been employed to punish.

Nothing less than the indignation even of the partisans of the senate was sufficient to make them do justice. It was on a representation of the citizens that they at last consented to pay for the books, and they had then the boldness to advance as a principle; that no matter of private interest should be the subject of a public representation. This expression alone, is sufficient to characterize the aristocratic faction of Geneva, we know not of any thing equal to it even in the annals of despotism.

CHAP. mily, and to their complaisance for *Voltaire*, jea-
 II. lous of *Roussseau's* reputation.

In a short time several manuscript copies of this letter were circulated through the city. Every tribunal will have its decrees respected: the senate of Geneva, exasperated at such a censure, were preparing for revenge, when *Piçlet*, in hopes of warding off the blow, declared to the syndics that he was the author of the letter, and was sorry for having written it.

This weakness, joined to his confession, determined the *Tronchin* family to arraign his conduct. This family, devoted to France, wherethey were already laying the foundation of the credit to which they aspired, were trying every means to lord it in Geneva. Two of the family were members of the senate, and a third had recently been elected attorney general (*f*). This last was particularly formidable by the influence which his knowledge had acquired him, by the stile of grandeur which his fortune enabled him to support, and above all by his abilities.

It was he that denounced to the senate, the *social contract*, and his honor appeared engaged to support the sentence he had dictated: his family was triumphant: *Piçlet* was condemned to prison, to ask pardon of the senate, and to suffer a year's suspension of all his honorary rights.

This

(*f*) He was one of the senators degraded in 1754.

This sentence gave rise to an interesting question. The two families concerned in the affair had extensive connexions: when a criminal tribunal was to be formed, the four syndics, as being too near of kindred, were found exceptionable; and, spite of the fundamental law and the edict of 1738, by which it was decreed that, "the syndics and council shall be judges, as formerly, in all criminal cases," *Piclet* was tried by a council without syndics, that is to say, presided by magistrates who had not been elected by the general council.

It is visible that the senate pursued more than ever their old system of conferring on their own body, which was independent of the people, the authority of the four syndics, who were dependent on the people: 'tis for that reason it was of consequence to public liberty, to preserve to these four heads of the community powers of such a nature that they might, when necessary, be rendered responsible for the conduct of the councils (g).

The

(g) The question on the presidency of the syndics was the more important, as it had an immediate analogy with criminal jurisprudence, which, in Geneva, is entirely at the discretion of the judges. The constitution, by acknowledging no tribunal without syndics, had rendered the presidents changeable, and by that means tempered the too formidable influence of the senate's judiciary power: the means, though inadequate to the purpose, appeared however to the citizens worthy of being preserved. But because they would not suffer the authority of the syndics, whom they elected, to pass into the hands of the senate, that was not elected by them, they were accused of wishing to concentre the

CHAP.
II.

The senate supported their argument by that chapter of the civil edict, which regulates the challenge of judges, also by the law of usage. This gave rise to a question with regard to the force that usages should have. "They may be consulted, said the citizens, when the law is silent, but not to give sanction to abuses; for
" in

the whole government in the persons of the four syndics. "*A wretched government, (said the partisans of the senate) the very idea of which is frightful; a government, that would join to the tempests of anarchy all the storms of oligarchy, and in which, under the name of syndics, four slaves of a few demagogues, insolent towards their equals, cringing to their masters, would gall with their own chains all the rest of the citizens.*" POPULAR LETTERS.

Spite of these *eloquent* declamations, the citizens remonstrance was grounded on propriety, on the edict of 1738, and the ancient law, forbidding those who are not syndics to *pronounce sentence*, much less to preside. "Our constitution, said they, annually deposits the whole authority in the hands of the four new syndics. Where there are no syndics, there is no authority, no senate, no council. Therefore when the syndics are spoken of, the edict speaks of their *power*, when the senate is mentioned, it speaks of their *duty*."

The citizens did not however go as far as *Micheli*: for he had advanced that the syndics could do all by themselves, whereas the citizens only maintained that nothing could be done without them, because *they*, said the citizens, are the ministers of the democracy, the heads of the executive power, and the necessary presidents of all the councils, to which they communicate the coercive power. In fine, as in the cases wherein the four syndics were exceptionable, the civil law appeared really in contradiction with the political edict, the citizens demand was simply this, that the general council should be convened to elect a syndic *ad actum*, that is for the immediate purpose, or to reconcile the two laws which appeared contradictory. How necessary it was that the senate should not be permitted to interpret them may be easily conceived.

“ in that case it would be urging violation and
 “ supporting it by itself (*h*). C H A P.
II.

These new pretensions did not lessen the effect which had been produced by the extreme severity of *Pellet*'s sentence. The citizens were daily improving in their knowledge of the constitution, and were by this time become really worthy of liberty: the unjust fate of their illustrious countryman *Rousseau*, and the success of his enemies in procuring his expulsion from the canton of Bern, rendered his persecutors still more odious to the people. The erection of a tribunal without syndics, and above all the pretension of making usage paramount to law, made the senate appear in a light still more detestable: the citizens at length determined to let them see the public discontent, and their displeasure was mani-

(*h*) Undoubtedly nothing could be more dangerous than to start a question of such delicacy, but, once started, nothing was more essential than to illustrate it in a republic where the people were jealous of their laws, and where many principal institutions had no other foundation than usage consecrated by length of time. The magistrates advanced that length of usage could abolish constitutional laws; the citizens on their side maintained that the laws were a sacred trust, and that thenceforward nothing could have permanency, if abusive usage might arise in silence, subsist with impunity, be confirmed and legalized by lapse of time.

This question was discussed in excellent anonymous writings; but, whether the matter were exhausted, or that the citizens were not yet aware of the very great influence of that question on all the rest, they neglected to make it the subject of a public memorial, and we shall see that the edict by which it was followed, did not remove this source of dissension.

CHAP. manifested on the occasion of re-electing the
 II. attorney general *Tronchin* (i). He was re-elected
 Nov. it is true, but there were four hundred votes
 1762. against him, and the citizens soon learned by
 experience, that to shew an impotent resentment, especially against a man, whose principles, abilities and interest are formidable, is only the way to provoke hatred.

It may be said, of this magistrate, that, had he appeared on a stage suited to his ambition, he would have displayed his genius in a manner advantageous to mankind: but, by a caprice of fortune, cast on the limited theatre of a small republic, instead of exercising his talents for the support of the constitution already established, he attempted to frame a new one, and was mistaken in the resources of the people he attacked. He may be compared to those inflammable liquors, which, wanting room to exercise their elasticity, burst with fury, the narrow vase in which they are confined.

C H A P.

(i) The *attorney general* is the attorney of the public, the guardian of orphans, the general advocate in criminal causes, and the particular defender of the people's rights. They are elected for three years by the general council, which, at the expiration of that period, may confirm them for the same length of time.

CHAPTER III.

Rousseau's abdication—The attempts of the friends to peace to obtain justice for him—The senate's obstinate resistance—The first representations of the citizens—Their consequences.

ROUSSEAU justly accused his country of having violated her engagements with him, and determined to dissolve the ties which bound him to her (a). The solemn abdication which he then made of his title of citizen of Geneva, was to his enemies a triumph, but the patriotic part

CHAP.
III.

(a) "I have left nothing untried," said he, in his letter of abdication to the first syndic, "to gain the affections of my countrymen; my endeavours could not have been more unsuccessful. I am willing to gratify them even in their hatred: the only remaining sacrifice I have now to make, is that of a name I held so dear. But, Sir, tho' I am become an alien to my country, she cannot become indifferent to me. I remain attached to her by the tenderest remembrance, and I forget only the wrongs I have received from her. May she ever prosper, and see her glory encrease; may she abound in citizens better, and above all happier, than I."

CHAP.
III.June
18, 1763.

part of his countrymen regretted bitterly not having protested with vigour against his sentence. Some of them, before they proceeded to any other measures, exerted their utmost endeavours to induce the senate to let drop of itself the fatal decree issued against the author of the *Emilius*, and to allow him a short, but undisturbed residence in his country. The magistrates rejected with haughtiness even the idea of this indulgence, and the citizens could no longer defer undertaking a public defence of their illustrious countryman. They at length united to the number of forty to demand a revocation of his sentence, and redress for the grievances that have been mentioned with regard to imprisonments, and the tribunals without syndics.

August
8, 1763.

The senate's answer to this representation was fraught with principles at which the citizens were justly alarmed. They lost no time in confuting them in a second representation, more extensive, supported by better arguments, and in which they spoke in a less decisive tone than in the former; for peace sake, they reduced their demands to this one, that the sentences and imprisonments, against which they had remonstrated, *should never in future be quoted as precedents (b).*

Unfor-

(b) This representation was drawn up in the most respectful terms. "The magistrates may fall into involuntary infringements of the laws; but the citizens well know that, altho' such infringements may authorize remonstrance, they do not dissolve the ties of gratitude, due to the fathers of the country, We shall therefore

Unfortunately this moderation was mistaken for weakness. We shall be unshaken in our resolution, replied the senate two days after, *we shall make no change in the execution of the provisional power, and in the order of criminal powers, because such changes would be fatal to the republic.*

The senate, by answering in so absolute a tone to this new representation, forgot themselves so far as to disdain to combat the arguments contained in it. The citizens were exasperated at this abrupt and contemptuous refusal on account of the alarming consequences resulting from it. "What will become of our constitution, what will become of ourselves, said they, if the councils have it in their power to substitute their own explanation of the laws to the laws themselves? Would not this pretended power of answering negatively destroy our right of representation? Would it not exalt our magistrates into real legislators, and render administration judge of its own acts?"

New representations were only followed by new refusals, to which the senate at length added an explanation of their pretension to the
nega-

"therefore never cease declaring that we respect and honor our magistrates who have only labour after labour, and who watch night and day for the happiness of the republic. What people ever represented their grievances and defended their rights with more moderation and respect?"

CHAP. *negative right (c)*. They advanced that if on
 III. examination they disapproved of a representation, it consequently fell to the ground: *a sacred principle*, added they, which the council has sworn to maintain, and which they will maintain as long as they shall keep their seats.

It was then the citizens felt the necessity of uniting against this pretended *negative right*, which they considered as a monster ready to swallow up the constitution. After an ineffectual combat, they discontinued their representations, and went to the number of seven hundred to declare to the first syndic, that, *whatever were the senate's resolution, they would no longer hold themselves obliged to answer, because their desisting could never weaken representations founded on law; that they considered and would consider their representations as subsisting in full validity, until the sense of the laws on which they were founded should be determined by the sovereign council.*

August
20, 1763.

Tho' the senate had thrice varied in their answers on the system of imprisonment, they loudly declared that they would remain unshaken in their first refusals, and entrenched themselves behind

(c) This *negative right* was a right which the senate pretended to of answering in the negative to representations of the citizens founded on grievances, instead of laying them before the general council. The partisans of government and of this system were, and are still, called by the name of *negatives*. Those who disputed it with the senate were named *representants*. As these titles are by no means offensive to either of the parties, I shall make use of them for distinction sake.

behind the sixth article of the edict of 1738, CHAP.
III.
 from which they pretended they derived a power of throwing out the representations of the citizens, by barely answering *there is no necessity*.

It is evident that the first question had given rise to one of far greater importance; a question, which shook the constitution to its foundation, and alarmed the friends of liberty with an apprehension that the period of its ruin was not remote. Whilst they were waiting for the time of the elections, to express their discontent in a more advantageous manner than the preceding year, the senate were constantly taking every measure that could ensure success to the great pretensions they had just started, and by which from henceforth, this small state was divided into two parties, each of which had its leaders, its principles, its manners, and, it may be said, its laws.

At this period the attorney general *Tronchin* published the *Letters from the Country*, a species of political romance, in which he supported his reasoning by arguments drawn from the history of ancient and modern republics, and represented the constitution of Geneva as so well regulated, and the equilibrium of power so admirably balanced, that it was impossible for the senate to abuse the *negative right*. This able advocate pleaded the cause of government with all the brilliancy and lively concern that ardent wishes inspire; but at least he pleaded in a stile of wisdom and moderation, that has never since been sufficiently imitated.

These

CHAP.
III.

These letters were the work of a comprehensive and persuasive understanding, yet in observing him turn and wind the constitution to his will, it was not difficult to discern that he substituted in the room of liberty nothing but an arbitrary power, against the excesses of which he opposed no barrier. This production, in which the resources of a brilliant imagination, and the allurements of a most enchanting style made even foreigners forget the dryness of the subject, was scattered with such profusion in other countries, that it was easy to perceive it was intended chiefly to court their approbation, and that measures were taken even then to make them arbiters of the important question that had recently been started.

This work was considered by the senate as the palladium of the constitution; and the public encomiums they lavished on the author, betrayed but too well their intention of consecrating his political opinions, and making them, if we may be allowed the expression, serve as a gospel to their body. The *Representants* felt the necessity of answering it, and refuting the author's arguments, by explaining several facts on which he rested them. To accomplish their purpose, a thorough study of the history of Geneva was necessary.

In their search after materials, the citizens discovered variations between the written and the printed edicts; they demanded a warrant for having the original copies deposited in chancery, in
order

order to compare them together. Can it be be-
 lieved that despotism went so far as to refuse this;
 that is to say, to refuse communicating to the
 members of the general council the acts of their
 own body?

CHAP.
 III.

At length, a year after the appearance of the
letters from the country, J. J. Vieusseux and A. De
 Luc published an answer to them. Their writing
 contained rather a candid exposition of the facts
 that Tronchin had urged in favor of his thesis,
 than a regular system; these two citizens were
 justly of opinion that the most effectual and at the
 same time the easiest defence they could make,
 was to present a simple historical view of the en-
 croachments of the councils on the people's
 rights (d).

About this period were spread through Europe
 the *letters from the mountain*, by J. J. Rousseau, a
 work, which deserves to be admired for its gene-
 ral principles, and the closeness of its reasoning.
 It must however be acknowledged that he some-
 times errs in circumstantial details, because he
 was not in possession of particular facts. The en-
 N lightened

(d) Of all the productions that appeared during the dis-
 turbances, this gave the most uneasiness to the senate.
 Their registers prove that they considered it as more dan-
 gerous than even the *letters from the mountain*. Amongst
 other passages they were deeply wounded by the follow-
 ing: *the petty council seldom acts through ignorance; if its
 members give room for the charge of real grievances, it is be-
 cause they choose to do so.* This stroke, too severe in reality,
 demonstrates how much the people's spirits were soured
 from day to day.

CHAP.
III.

lightened part of the Genevese are at this day sensible that, had he been supplied with proper materials, he might have composed a better work; but such as it is, it must be considered as a masterly sketch. It was a considerable advantage to the citizens to have had a defender like *Rousseau*; he alone could remove the chaos, into which *Tronchin* had plunged the constitution, to make his attack with the more success. This excellent work was read with avidity, and gave fresh courage to the desponding citizens; the number of the *representants* encreased from day to day; they were in hopes that at the approaching election they would be sufficiently numerous in the general council, to bring the senate back to republican principles, by testifying the discontent of the people, in refusing to elect syndics.

The senate, through a real or pretended fear of this refusal, appeared to leave no means untried to prevent it: their partisans succeeded (*e*) in their endeavours, by painting in alarming colours to the people the fatal consequences that might attend their resolution, but particularly by giving them hopes that their principal grievances would

(*e*) It was not however without the greatest exertions. We may judge of it by the number of votes.

Turretini,	-	-	681
Buiffon,	-	-	739
Gallatin,	-	-	683
Jallabert,	-	-	781
New Election,	-	-	605

It is necessary that the reader should observe it was this last line, called the *line of new election*, which was crossed by such of the electors as called for new candidates.

would be redressed. Flattered by these pleasing expectations, the citizens resolved to elect syndics, and had the greater hopes that this would be a year of reconciliation and peace, as the senate had engaged themselves to the venerable company *to accelerate this desirable work.*

CHAP.
III.

14th Jan.
1765.

N 2

CHAP.

CHAPTER IV.

The senate, instead of restoring peace to the republic, publicly announce their determination to resign their places—The delicate situation of the citizens—Voltaire makes some efforts to reconcile the two parties—The senate inform him that they will not listen to any negotiation.

CHAP.
IV.

THE promises made by the partisans of the senate, and the engagements of the latter to the clergy, were too authentic to admit of open violation. They therefore appeared, immediately on the close of the elections, to be employed about a negotiation. But whether this were only a deception, by which the heads of the senate were in hopes to satisfy the inconsiderable number of senators who inclined to the side of the people; or that the majority of that body suffered themselves to be seduced by a false point of honor; this deliberation assumed insensibly a different form, and, instead of really taking pains to effectuate a wise reconciliation, the senate determined to think previously of measures to restore the honor of the councils, injured, as they said,

1st Feb.
1765.

said, by the imputations cast on them in different publications.

CHAP.
IV.

The measure which they then proposed was to resign to the people the reins of government. This theatrical stroke, which they had long had in agitation, must, as they imagined, bring on anarchy, whereby the citizens would be constrained, either to receive a foreign mediation, or to purchase peace at the expence of their rights.

This strange proposition for dissolving government, unparalleled in the history of republics, had met with a warm opposition in the senate. Those who were against it declared, “ that by
“ having submitted themselves to be re-elected by
“ the grand council, they had engaged to remain in their places ; that it was the duty of
“ the magistrates to be firm in adversity, and
“ not to quit the helm in the midst of the tempest.” They remonstrated to the senate, “ that such a step threw them into entire dependence on the people, that, besides, such a determination would expose the state to anarchy, or
“ oblige them to have recourse to a new mediation, and that whatever could tend to introduce
“ a measure so dangerous to the independence of
“ the republic should be carefully avoided. (a).”

But those who were long wishing for this second mediation artfully represented “ that the honor
“ of the senate required this resolution, that it
“ would interest foreigners in their favor, that it
“ would

(a) Extracts from the registers of the senate of the first of February 1765.

CHAP. " would terrify the citizens, and make them ac-
 IV. " cept of some concessions that might then be
 " proposed with more dignity." This last hope
 brought over the members of the opposition; all
 that they could obtain of the senate was, to in-
 duce them to adopt a vague manner of expressing
 their offer of resignation.

After this deliberation, the senate, having convened the grand council, declared, " that, " dishonored, and disgraced by accusations of the " most serious nature, they were ready to resign " the administration into more fortunate hands, " unless the citizens declared that they considered " the senate as an assembly of good and faith- " ful magistrates."

The reader will perhaps be astonished that the citizens did not embrace this opportunity to dry up the source of all their misfortunes, by letting the senate reform itself. Such was the opinion of many of the *representants*, who justly considered this scene as an indecent farce, and foresaw that the senate would endeavour to abuse the declaration they demanded; but, on the other side, other citizens, no less enlightened, were alarmed at the consequences of the step that the senate had taken, and represented that to accept their abdication would be falling into the snare, and opening a door to the mediation which it was the wish of the senate to introduce at all events (b).

Delicate

(b) It was even thought there was authentic information that this offer had been made in concert with the court of France

Delicate indeed was the situation of the citizens. To comply with the senate's demand, was in appearance disavowing their grievances and consequently renouncing their demands for redress. To refuse, was exposing the state to the dangers of anarchy, was incurring the imputation of having voluntarily obstructed the reconciliation, which was promised by the senate in so positive a manner. These considerations and this last assurance staggered those weak men, whose pusillanimity ever passes for prudence; they represented that the measure desired by the senate would infallibly put a period to the crisis; and they brought over the majority by conjuring them to make the first advances to obtain peace. The generality imagined they perceived the prospect of that in the act solicited by the senate, and if the citizens can be condemned for having acceded to the views of the senators, their conduct, imprudent as it was, will at least attest in every age the wishes of the people for a speedy reconciliation.

CHAP.
IV.

It was necessary for them however to find a qualifying measure, that would satisfy government, and endanger as little as possible the rights of the people. A public writing, which they were

France, and that this court had already dispatched orders to its resident to interpose immediately after the senate's resignation, on pretence of preventing the anarchy by which it would have been followed. It is certain that a senator having announced the senate's resolution to lord *Stanhope*, and this nobleman having replied, your body then will at all events have a foreign mediation, the magistrate acknowledged that it was their real design in the measure they had taken.

CHAP. were preparing, happily furnished them with the
 IV. means; the citizens, on the very day that the
 senate had announced their resolution, were ready
 7th Feb. to lay before them a new representation: they
 1765. determined, on the spot, to add to it the declaration of confidence desired by the senate, but still to persist in demanding a redress of grievances (c).

It may easily be judged that such a turn was by no means satisfactory to government. It appears that the secret view of administration was to engage the citizens to ask as expediciencies what they claimed as rights. Had they been able to insinuate that measure, the advantage of the citizens was gone; these expediciencies would have only been looked upon as innovations, and it is well known what has been in all times the fate of a people lovers of innovations.

Hitherto,

(c) They referred to the *answer to the letters from the country*, and to their representations of the 8th of August.
 “ The citizens and burghers, said they, had a pleasure in
 “ publicly declaring that they honored the magnificent
 “ council, and that each of its members was deserving
 “ their entire esteem, respect and confidence. Ever animated with the same sentiments, they renew these declarations and protestations, persuaded that the magnificent council, actuated by the desire of contributing to the welfare of the country, and in order to put a period to their grievances, will come to the following resolution; “ *that the demands of the people with regard to the decree issued against Rousseau, the sentences pronounced by the tribunals without syndics and the imprisonments shall be allowed.*”

Hitherto, the senate had not dared to give a loose
 to their indignation against *the answer to the let-
 ters from the country*, and Rousseau's last work.
 Will it be credited? They availed themselves of
 the pacific proceedings, to issue against these two
 writings a declaration, (d) that evidently proved
 how far they were from soliciting through motives
 of

C H A P.
 IV.

12th Feb.
 1765.

(d) " Their lordships have seen with indignation the
 " frightful tissue of calumnies vented against the petty
 " council, in a book entitled : *letters written from the moun-
 " tain, by J. J. Rousseau.*

" It represents the country as groaning under oppression.
 " It describes the council as an assembly of tyrants, aiming
 " at supreme authority, even from the infancy of the re-
 " public ; one while servilely, at another with open bold-
 " nesses, suitable to their views or the circumstances of the
 " times ; exercising the severest despotism ; destroying that
 " liberty which they ought to defend ; erecting a tremen-
 " dous state inquisition ; pronouncing against the citizens
 " numberless unjust and even atrocious sentences. And it
 " is in the name of liberty, under the language of virtue and
 " under the mask of truth that so many impostures are ad-
 " vanced

" Superior to these scandalous imputations, the council
 " has disdained to stigmatize them in the usual forms of
 " justice, too disproportioned to their enormity.

" The publication of this monstrous production was ra-
 " pidly followed by that of another work, (*the answer to
 " the letters from the country*) in which the council is re-
 " proached in the most unjust manner, the most offensive
 " expressions made use of, facts boldly misrepresented, and
 " a system of government plainly avowed, utterly subver-
 " sive of the constitution established by law. A system,
 " which, undoubtedly contrary to the intention of those
 " who would have embraced it, would be an inexhaustible
 " source of dissension, and at length cause the entire des-
 " truction of the republic."

CHAP. of peace the testimonies of confidence which
 IV. had been granted by the people.

Mean-while the senate had engaged to pursue the most proper means to satisfy the citizens, and appeared to make it their serious business. They began by acknowledging with the citizens that, in conformity with the edict of 1738, the tax on certain foreign wines ought, several years since, to have been discontinued; they requested a further continuance of it from the general council; but, as they alledged no motive for such continuance, it was rejected.

According as the senate discussed each of the other grievances, their alarms appeared to encrease with regard to the consequences attending the slightest redress. Their registers present a most singular spectacle, they seem to prove that they began this new discussion with an intention of redressing many of the grievances complained of, and that, after having reviewed the whole, they took, insensibly, a resolution to persist in their former refusals. Thus vanished the hopes which the citizens had been made to conceive with regard to their proceeding. The senate's refusal was anticipated by the *Popular Letters*, a work, by which the refusal was preceded. This new writing was the production of warm friends to the aristocracy; they openly renewed in it the system of the *letters from the country* and employed at once against the *representants* the arms of eloquence and ridicule. However, so great was the satisfaction of the magistracy, that several members of the grand council publicly thanked the authors. The preface announced by this publication

lication was soon verified; the senate declared CHAP.
that they could not comply with the citizens desires, IV.
without shaking the constitution.

It was easy and even useful for them to speak in a patriotic tone in this recent refusal. It was to be transmitted to foreign states, and if private individuals ever plead to disadvantage against power, how much more unfavourable was the situation of the citizens now become, when this power was represented as that of the tenderest of fathers?

The registers of the senate mention an anecdote, which deserves to be related. It is well known that the situation of Geneva, the repute of her inhabitants, and the religious toleration enjoyed within her territories, had induced the celebrated *Voltaire* to settle within her neighbourhood; though his connexions were entirely amongst the rich, his sentiments were too elevated to permit him to espouse their petty passions; he thought he perceived amongst them exaggerated pretensions, and formed at two different times a project for effecting a reconciliation. He declared to a senator his inclination to try what would be the result of conferences held in his house, between the leading men of both parties, and expressed hopes of restoring tranquillity, by prudent expedients with regard to the very important article of imprisonment. But the senate, informed of this overture, resolved that he should be answered in these terms, *that they were by no means disposed for accommodation;*

Nov. 21
1765.

CHAP. *dation*; they gave orders to the senator to break off
 IV. all negotiation as civilly as possible (e).

When we consider with what facility the senate might, at that period, have satisfied the citizens, and averted the calamities with which the republic was threatened, we are tempted to believe, either that they were totally blinded by a lust of dominion, or that, to gratify that passion, they had deliberately premeditated to drive their fellow-citizens to despair. Without venturing to invest-

(e) Notwithstanding this refusal, *Voltaire* persevered in his project, and, as he knew how ardently the aristocratic faction wished that a mediation should take place, he endeavoured to soften their resistance by affirming that the duke of *Praslin* was very much against it. He represented to senator *Lullin*, " that the question of imprisonment " was a matter of great moment to the citizens, and that " they absolutely must have some satisfaction with regard to the *negative right*, the ill-chosen name of which " filled them with apprehensions." The senate having been informed of these new instances of *Voltaire* sent him for answer, on the 28th of December 1765, *that they neither could nor would enter, in any shape, into a negotiation concerning the constitution entrusted to their care.*

The philosopher of Ferney made however some further efforts to avert from the citizens the misfortunes with which they were threatened by the obstinacy of the senate. " The more I become acquainted with your fellow-citizens, " said he in his letter to commissary *D'Ivernois*, the 27th " of November 1765, the more my affection for them " encreases. I would go any length to restore that union " which ought to reign amongst you, and that perhaps " would not be so difficult a matter as is imagined, if the " two parties would have an amicable communication together, and mutually do what patriotism requires and " that love of liberty which dwells in every breast."

investigate so heavy an accusation, we shall be
contented with inviting such as maintain that the
late dissensions arose from the disturbances in
1766, to pause here and determine whether their
origin and fatal encrease should be ascribed to
the citizens or the senate.

CHAP.
IV.

CHAP-

CHAPTER V.

New efforts of the friends of peace—The general council refuses to elect magistrates—Invocation of the guarantee.

CHAP. V. ALL hopes of reconciliation vanished on the last answer of the senate. This answer gave rise to a multitude of polemical pamphlets, in which both the attack and the defence were managed with acrimony; neither of the parties any longer imitated, in their writings, that stile of moderation of which an example had been given them by the attorney general *Tronchin*. These writings, the inevitable consequences of the senate's obstinacy, demonstrated an astonishing encrease in knowledge amongst the people; but they fed and augmented by offensive personalities the mutual animosities of both parties. In some writings the defenders of the people were attacked as envious demagogues, whose only intention was to lead the people astray, in order to govern them as they pleased. In others, the whole senate without exception were accused of a deep-concerted system of usurpation,

tion, tho' in fact devised only by a few of its members. Already dislike was ripening into rancour; the poison of distrust was stealing into every heart, and penetrating into every vein of the body politic; each party looked on the name of the opposite as an insult; in short, men of honor all at once proceeded to such lengths as not to know one another, and began to detest and calumniate each other.

At this period the duke of *Praßlin* sent *de Montperoux*, the French resident, dispatches that were immediately made public (a). Tho' the dispositions of this minister appeared impartial, his letter convinced the citizens of a matter, which they had only a suspicion of before, that measures were constantly taken to procure an interposition of the guaranteeing powers in the disputes of the republic. These intrigues and new grievances contributed to augment the public disgust and animosity.

A citizen had been imprisoned for having refused to receive into his boat some soldiers of the garrison, appointed to guard the fishery. It was forbidden by the sixteenth article of the edict of 1738 to establish new stations, and that of the lake was one: it was complained of, and

(a) He declared in these dispatches *that the king would not behold with a serene eye the violations of the mediation edict, and the overthrow of a compact intended to secure perpetually, liberty and prosperity to Geneva.* It may easily be judged, that each party applied to the other the violations spoken of in this letter.

CHAP. V. and a complaint was also made, that the country-house of a citizen had been some time before searched irregularly by a party of the soldiery.

Deaf to all these remonstrances, the senate, notwithstanding the earnest entreaties of the friends of peace, constantly refused conferences for reconciliation with the citizens. Experience had proved in the preceding disturbances, that such conferences might be efficacious, but the faction of the rich had contracted, in their character and pretensions, a haughtiness of which the fatal effects were foreseen by moderate men. The latter were no longer listened to in the councils, and were even exposed to some acts of violence: it is related that one of them having insisted in the senate that part of the citizens demands should be granted; a senator seized him by the collar saying; *base man, you would have us then become slaves to the people.* The most dispassionate men forgot themselves. One day that a member of the grand council was pleading in that assembly the cause of the people, the attorney general Tronchin asked him, *when he would cease to act the tribune? When you desist from acting the dictator,* replied the friend of liberty.

After so many obstinate refusals, the people had left them no other legal and efficacious method of testifying their dissatisfaction than the exercise of the right of *new election*, in refusing *collectively or individually* the candidates presented for the principal magistracies. The people at length adopted this, and refused during seven general councils, held week after week, to elect a lieu-

Novem.
1765.

a lieutenant and an attorney general from amongst the candidates proposed, (*b*) they at the same time came to a determination not to choose syndics at the approaching election, and thus to deprive the councils of the lawful presidents, from whom they derive life and motion. The citizens were in hopes that so critical a situation would bring back the senate to a sense of the real interests of their country, and induce them to propose arrangements, by which the fundamentals of the constitution might be preserved; but this body had undoubtedly judged that the moment was arrived when they should obtain a decisive victory over their fellow-citizens; they made use of these pretences to colour their application for foreign support, (*c*) and, from their own private

6th Jan.
1766.

O

autho-

(*b*) This obstinate refusal was a thing unheard of in the annals of the republic. Amongst the candidates rejected, the ancient auditor *Desfranches* was remarkable. His political principles, his morals, his connexions with the *Trenchin* family, and decided hatred to the interests of the people were greatly against him. Being presented in the general council for the office of attorney general, he had but thirty-seven votes. The violent animosity he thenceforward entertained against his fellow-citizens proved but too late, that there are, in weak republics, ambitious men, on whom it is less dangerous to confer dignities, than to risque the excesses of their resentment by a refusal.

(*c*) The registers of the senate prove a fact of a very extraordinary nature; that this application, which was imagined to have been grounded on the refusal to elect syndics, was determined on previous to this refusal. On the 14th of December 1765, the senate had written to the cantons of Zurich and Bern, "that the republic was in so melancholy a situation, as to be unable to remedy her dissensions by herself, and that they were persuaded that their excellencies would find in their wisdom means to restore tranquillity, and to prevent future disturbances."

CHAP. authority, without even consulting the grand council, solicited the interposition of the guaranteeing powers (d).

Nothing could equal the astonishment of the citizens, at the news of this proceeding. Traded and represented in a guilty light to a foreign tribunal, they vainly endeavoured to conjecture what were the heads of accusation, on which

(d) They stated in their letter of solicitation, the decree against *Rousseau*, the imprisonments complained of, the tribunals without syndics, and the denial which they thought themselves bound to give to the *representants* whose system, they alledged, would have soon overturned every barrier opposed by the laws against the introduction of a mere democracy.

“ We soon discovered, said they, the means intended to be employed against us, when we saw in eight successive general councils, more than 800 citizens persist in obstinately rejecting every candidate presented to them. The apparent calm of our city, and the alarming tranquillity with which such strange operations are performed, demonstrate the closest union between the persons, who would force us to sacrifice the constitution. We learn from public report that all their measures are directed by a secret council, and it is with the deepest affliction we see, that the confidence which was so justly our due, has been transferred to a few popular chiefs. What still adds to our concern is, that fathers educate their children in the same principles, in this age &c.”

“ Threatened with seeing questions suddenly proposed that our legislature could not foresee, we are on the eve of falling into the greatest confusion, and have no other resource left to save our country, but that of inviting the assistance of the powers that have guaranteed it. We therefore have recourse &c ”

This letter of invitation was not known to the citizens until the beginning of the year 1767. It is easy to guess the reason of such mystery.

which so strange an appeal could have been grounded. CHAP. V.

“ The guaranteeing powers, said they, have engaged *only to guarantee the execution of the articles contained in the edict of 1738*; now, have the senate met with a single obstacle in the exercise of their executive power? They have pretended to a power of erecting tribunals without syndics, and they have erected them without opposition. They have pretended to a power of imprisonment *without condition or restriction*, and they have exercised such power without opposition. They determined, in *Rousseau's* sentence, to violate the ecclesiastical ordinance, and they have violated it without opposition. If, therefore, far from having prevented the execution of any of the articles contained in the edict of 1738, we have even peacefully submitted to the abuses of which we complain, the guaranteeing powers are totally unconcerned in our dissensions.”

We may form a better judgment of the foundation of the citizens complaints from the futile pretexts with which the senate were constrained to colour a proceeding, by which the independence of the republic received so deep a wound. We shall see that they were forced to accumulate a multitude of trifling considerations; to charge their fellow-citizens with systems, which they had so recently disavowed; to take pains to inspire vague apprehensions of futurity, and to complain that their administration had been satyrized in writings, at the very moment they had satiated their revenge against those writings without any

O 2

obstruc-

CHAP. obstruction. In fine, we shall there see them
 V. reduced to complain to the august guaranteeing
 powers, that it was announced by *public report*
 that the proceedings of the citizens were directed
 by a secret council, *and that they knew beyond a
 doubt that fathers educated their children in the same
 principles.* Thus, may it be said, on mere popular
 reports, on the *apparent calm of the city*, and
 in order to regulate improper education, the mem-
 bers of a free and sovereign republic were cri-
 minated and traduced by their own magistrates,
 before foreign and formidable judges.

It is true that the senate complained in parti-
 cular, that eight hundred citizens had obstinately
 persisted, during eight successive general councils,
 in rejecting every candidate that was presented to
 them. But could the senate summon the gua-
 rantee against a legal act of the sovereignty?
 Or if even the refusal to elect suggested, as they
 said, questions which legislature could not have
 foreseen, was it not to the general council, the
 only council possessed of legislative power, that
 they were bound to appeal?

Such are however the facts which introduced
 the interposition of the guaranteeing powers;
 such are the vague pretexts alledged as the mo-
 tives, and which exposed the republic to storms
 that she escaped from then as it were by miracle.

As soon as the letter of summons was received
 by the cantons of Zurich and Bern, they hastened
 to testify to the senate their wish to see the repub-
 lic terminate her divisions by herself. The citi-
 zens embraced this new opportunity to demand
 an

an accommodation ; but the only answer they received was that the senate had invited the guarantee. C H A P.
V.

Before we here state the conduct of the plenipotentiaries of the guaranteeing powers, it is necessary to review the principal questions they are about to discuss.

The delays attending the completion of the code, the refusal of a warrant for comparing the original edicts, the illegal employment of the garrison, the several regulations of the councils substituted instead of the edicts, several laws replaced by customary violations, some trifling subsidies raised without the consent of the general council, a sentence pronounced contrary to the form prescribed by the ecclesiastical edicts, composed part of the abuses complained of by the citizens. But they remonstrated against three other far more essential grievances, on which depended in their eyes the support or the ruin of the constitution. The discussion of these three grievances, though perhaps uninteresting in itself, is absolutely necessary for every foreigner, who would wish to have a perfect knowledge of the real source of the misfortunes that have befallen the republic.

CHAPTER VI.

A brief examination of the three principal points of law in dispute between the senate and the citizens.

I.

Imprisonment without restriction or condition.

II.

The right of representation, and the negative right by which the senate endeavoured to annihilate it.

III.

The line of new election, or the unlimited right of refusing to elect.

1st. Of imprisonment without restriction or condition.

CHAP.
VI.

NEVER perhaps had the magistrates of a free people been known to pretend to the strange privilege of imprisoning without any restriction or condition, except what their conscience and reason might suggest. Such was the alarming power challenged by the senate of Geneva, in answer to the citizens demand, that all persons accused should,

should, previously to their commitment to prison, be brought before the syndics to be examined by them.

CHAP.
VI.

The law on which *Binet* had grounded his demand was conceived in the following terms: *whenever any complaint shall be made, let each of the syndics be empowered to summon such as it may concern, to examine, interrogate and commit to prison, if he shall see cause.* However, as if this decree of the legislator, feeble safeguard to personal liberty, had been contrived to afford pleasure and triumph to the syndics, administration maintained *that this law, being enacted for the sole purpose of giving power to the syndics, granted not any privilege to persons accused, whom it considered no farther than with respect to the obligation of obedience it prescribed.*

The result must have been, that the syndics would have possessed the power, without being obliged to exercise it; and that they would have had it at their option to dispense with that previous examination wisely prescribed by the law, and no less necessary for the tranquillity of the judges themselves than for the security of individuals. It is true also, that the senate rested their claim on *usage* which was, said they, *the surest interpreter of law, and the best authority for its meaning.* But, that we may form an estimate of the integrity of administration, it is sufficient to quote their own registers, wherein they acknowledge, *that from the testimony of those who had been*
auditors

CHAP. VI. *auditors (a) it resulted, that they sometimes brought before the syndics such persons as demanded the privilege.*

The senate by having given three different interpretations to this law, had acknowledged its obscurity; now, we ask, could they then refuse to submit their interpretation to the legislative body? Besides, supposing this refusal legal, was it expedient? Could the senate in decency refuse to tranquillize the people on the just fear of being imprisoned without having been brought before the heads of the state? Did they not owe this trifling sacrifice to public tranquillity? In short, was it proper to accompany such refusal with, what must sensibly alarm a free people, a pretension, 'till then unheard of in the annals of republics, the right of *imprisoning without restriction or condition*?

What an additional weight will not these considerations derive from the testimony of the registers of the senate, wherein they acknowledged, *that the grievance of imprisonment was that which most concerned the people, and that experience had not discovered any great inconveniencies, in having persons accused brought before the syndics?*

This strange pretension engaged the Genevese to examine their criminal jurisprudence; they were startled at the innumerable abuses which had crept into the exercise of the judiciary power. They had 'till then scarcely discerned the serious con-

(a) An inferior magistrate of the police.

consequences of the dangerous invention of *lesser crimes*, and the prodigious loss they had sustained in suffering the disuse of that precious law amongst their franchises, which admits bail to prevent imprisonment for petty crimes.

CHAP.
VI.

They complained besides, that the senate had officially established inquests as to certain causes of scandal, even when no person had appeared as plaintiff; that they had tendered oaths to persons they had charged; that persons tried by the lieutenant and the auditors, were often condemned without knowing who were their accusers, and without being permitted to make defence. They complained in particular that the senate arbitrarily assumed the prerogative of these last-mentioned judges, by trying themselves every trifling cause in which they wished either to shew lenity or gratify resentment. How highly interesting was it not to the citizens to oppose such abuses in a republic, wherein the course of trial was not directed by strict formalities, wherein the tribunals that were guilty of abuse, were not responsible for their own infringements, and were themselves the only judges of them; in a republic, in short, wherein there were not, as elsewhere, penal laws to determine offences; and to prevent the magistrates from indulging their caprices, prejudices, or personal resentments?

2d. *Of the right of representation, and the negative right by which the senate endeavoured to annihilate it.*

It must be recollected that there were at the beginning of this century, some contests in the republic

CHAP. republic, on the exercise of the right of repre-
 VI. sentation ; and that the senate, after many efforts,
 succeeded in proscribing the mode of signed petitions. They had undoubtedly hopes, by obliging complainants to appear in person before them, to intimidate the generality : perhaps too, such policy would have been good, had they carefully avoided too great a stretch of power ; but they should have foreseen at the same time, that if ever general murmurs were excited by flagrant abuse, administration would be much more overawed by the very number of citizens called together for public proceedings, than they had been by simple signatures at the foot of a petition.

This necessity of representations in collective bodies caused them undoubtedly to be more seldom and less easily made ; the citizens were forced by it to weigh all their proceedings, to reflect on them, to conduct them with order and decency : but at the same time, by seeing themselves assembled for redress of grievances, they came at the knowledge of their real strength, and conceived better hopes of success. Such were the effects of the prohibition of signatures in Geneva. It were to be wished that the spirit of usurpation should ever be thus mistaken in its views.

There exists not in the universe a government, where it has been the intention to despoil the injured of the right of representation or complaint. In Geneva, where the citizens are members of the sovereign council, this right is not only inherent in the person of every individual, the legislator intended

intended farther to make it also a duty, by specially ordering them to watch over *the observance of the laws, that no change whatsoever may be made in them, without the consent of the general council.*

Thus the actual contest was not, as afterwards, on the legality of representation; but only on the weight that representations ought to have, when remonstrating against pretended violations and obscurities of law (b).

The senate had advanced, as a sacred principle, that *representations fell to the ground, if, on examination, they disapproved of them*, and this power to which they aspired of answering in the negative, was called the *negative right*. So great is the influence of words over mankind, that, on one side, this ill-invented name alarmed and united all the citizens; and, on the other, it insensibly disposed the senate to maintain, as a real prerogative, a method of defence, to which they had imprudently given the name of a *right*.

In case of laws which the councils acknowledged to be obscure, the senate did not deny that the right of explaining them belonged to the legisla-

(b) The citizens did not dispute with government a *negative right* against innovations that might be proposed. It is essentially necessary to observe, that this was the senate's only intention when they demanded in 1738, that the word *approved* should be added in the 6th article of the regulation of the mediators. To be sensible of this, the reader is invited to cast an eye over the note (b) of page 119 of this history. 'Tis by thus contrasting the senate with themselves that we may form a judgment of their system, and an estimate of their principles.

CHAP. VI. legislative power; but they pretended that, as long as the senate judged the law clear, they were not obliged to bring the interpretation of it before the general council.

Were it otherwise, said the partisans of the senate, every representation would be an order to the senate to approve of the propositions therein contained, to lay them before superior councils; and yet the very word *representation* sufficiently demonstrates that they are not orders, and that those to whom they are addressed are superiors who have a right to reject them. If raising doubts on the meaning of a law be sufficient to have it brought before the general council, there are no innovations that might not be introduced under colour of such doubts; thenceforward, the most sacred laws, exposed to perpetual explanation, would never be a moment safe. The plainest would be in danger of being sacrificed, and we should be wavering in continual uncertainty on that which ought to be immutable.

On the other side the citizens maintained, that when grievances arising from infractions of the laws were not redressed by the senate, the remonstrances, if repeated, should be submitted to the decision of the general council, in that case the true and proper judge; that the representations subsisted in full force until the meaning of the laws to which they had reference should be determined by the council. They alledged that the senate, possessed of the *negative right*, might remain tranquil in the midst of the people, who might murmur in vain at the infringement of laws enacted by themselves. The laws would

no

no longer have stability; the senate, by a simple but decisive refusal, might silence the censurers of their administration. To give their answer the effect of a sovereign decree they had only to consult their will; judges in their own cause, they would easily become the real legislators, and exercise alone the functions of legislature, by merely setting up their own decrees as sovereign edicts. The executive power would decide without appeal on the meaning of the laws, and thus annihilate the legislative power, guaranteed to the general council by the edict of 1738. CHAP.
VI.

Deplorable consequences of party spirit! Pressed by the force of these arguments, the senate went so far as to advance, that in a case wherein the citizens should persist in considering as obscure a law that might seem clear to the councils, the contest ought to be determined, not by the general council, but by the guarantees alone.

Of all the senate's pretensions, that of the *negative right* was the one which disposed enlightened foreigners the most in favor of the citizens; it was generally agreed on that the senate, uniting the right of explaining and that of executing the laws, might render them all precarious; that their duration would depend no longer than the pleasure of the senate; and that the resolutions of the majority, that is to say of thirteen, of its members, would become irrevocable resolutions. The legislative power guaranteed to the general council was nothing more than a *chimera*, and its laws

CHAP. laws, given up to the senate's discretion, were like-
 VI. wise nothing more than mere petitions.

A recollection of *Fatio's* exertions in 1707, to prevent the contests he foresaw from the senate's abusing the negative power, will enable us to form a judgment of the comprehensive genius of that great man; if we consider that he failed only because he required that the remonstrances of fifty citizens should be sufficient to compel the general council to be convened, we may conceive how far the councils of 1764, in refusing to consult the legislative body on grievances urged by more than two-thirds of its members, had deviated from the primitive intention of the constitution, and the principles of their forefathers.

3d. *Of the line of new election, or the unlimited right of refusing to elect.*

We have seen that the right of representation would have been vain and illusive, had the mere disapprobation of the senate been sufficient to render it ineffectual.

The citizens therefore alledged, that the constitution had, as it were, foreseen the possibility of those denials of justice, and that it had secured to the people means to force the councils to submit their grievances to the general council, and to revive the spirit of the original government, by removing such administrators as should have lost the public confidence.

There is at Geneva a fundamental principle of the constitution, a sacred principle, which the legis-

legislature has repeated from code to code, CHAP.
VI.
through all the vicissitudes that the constitution has experienced: *that none be in the office who is not agreeable to the people, and that has not received their approbation.* From thence it results that the condition of being *agreeable* to the people, should be the essential attribute of magistracy. The general council, for the greater certainty of attaining this end, had received from legislature a power of rejecting, either collectively or individually, the candidates presented for its approbation (c).

In spite of this incontestible right of unlimited choice in elections, the citizens, through a species of established decorum, that people seldom break through except from the strongest motives, generally chose their magistrates from amongst the members of the councils (d).

Before the introduction of ballotting in the general council, such electors as disapproved of the persons presented as candidates, named others in a whisper to the secretary, and it happened more than once that the general council of its
own

(c) The fundamental law of the republic is expressed in the following terms: "if the candidates presented be disapproved of by the people, they shall be at liberty to refuse them, either in the whole or in part: on which refusal, a new election must be proceeded on for the number of candidates refused, first in the petty council, and next in that of two-hundred, so that none be received, that may not be approved of by the people." Edict of 1568.

(d) See pages 128 and 129 of the first part.

CHAP.
VI.

own free will appointed new ones (*e*). In the year 1707, on the introduction of ballots on which were printed the names of the candidates, each elector still preserved the right of demanding new ones; and for that purpose in the list of names, a line was left next each name to be crossed by such as chose to reject the candidates presented: the line was called *the line of new election* (*f*).

This line was expressly preserved by the edict of 1738, art. 111. which, as we have seen, reserved to the general council a right *to choose from the number of candidates presented such as it approves of, or to reject them in the whole or in part*. But it was enacted by the same edict, art. 11. that *the syndics shall be chosen only from the council of twenty-five*. By help of this article, the senate would have forced the citizens to choose the syndics from their own body, or at least maintained that they acted conformably to the rule in presenting on the election for syndics, none but actual members of their own body; but the citizens, entrenched in their turn behind the third article, maintained that they were not constrained by any edict to elect

(*e*) Rozet tells us, that on the 3d of January 1538, three syndics were elected who were not members of the senate.

On the third of January 1565, was presented to the general council *Peter Danffe*, who was not a member of the senate.

On the second of January 1575, *Ami Pisset* was elected syndic, tho' not a member of the senate.

(*f*) See note (*e*) page 178.

elect persons who were not *agreeable* to them, and that to present repeatedly to the general council the same candidates that had been just rejected, was sporting with legislature, insulting the people, and prolonging their discontent by useless and mock assemblies.

There resulted therefore a clash between the refusal of the senate to make themselves *agreeable*, and the refusal of the general council *to elect syndics*. Were the two cited laws really at variance, it was the business of the general council alone to reconcile them; and were it necessary that one of them should be abrogated, it should seem that the popular law ought to be favored. A speedy and amicable accommodation with regard to the subjects in dispute, in order to render themselves *agreeable* to the general council, was the only conduct dictated to the senate by the spirit of the primitive constitution. Far from pursuing this measure, they hoped to avail themselves of the opposition between the second and third articles of the regulation of 1738, and flattered themselves that, assisted by the guaranteeing powers, they might at length throw off the immense influence that might be exercised by the general council in refusing to elect.

The right of refusing to elect syndics was not the only one they wanted to wrest from the citizens. The choice of the people was unlimited in the election of the *lieutenant of police*, of the *treasurer*, the *auditors*, and *attorney general*. The general council might confer these magistracies on private citizens, and, by that means, introduce into the petty and grand councils persons agree-

CHAP. VI. } able to themselves, those offices giving the pos-
fessors right of admission into the two councils.

It is now evident how precious *the line of new election* was to the citizens, since it furnished them with a sure method of putting a stop to the progress of the senate's usurpations, and was an effectual preservative against an abuse of the power in the senate to retard the effect of representations on grievances. We discover from this very circumstance, the interest of that body to annihilate rights, by which their power was so greatly checked: we discover, in fine, their motives for soliciting the guarantee against the legal operation of their sovereign.

C H A P.

CHAPTER VII.

Arrival at Geneva of the envoys of the guaranteeing powers—The first proceeding of those ministers—They consent to the citizens appointing twenty-four commissaries—The senate at length drop the mask, and expressly demand a repeal of the edict of 1738.

THE ministers of the guaranteeing powers CHAP. VII.
 delayed for some time their going to Geneva. In vain were the senate invited by the voice of the public, to avail themselves of this delay to endeavour at an accommodation without foreign assistance; too well assured of the protection of the guarantees to renounce their hopes of victory, the magistrates patiently waited for their answer. As the three powers had been informed only by the senate, it was expected by the impartial, that, previous to their sending the ministers, they would communicate the letter of invitation to every order in the state, to enable them to give
 P 2 their

CHAP. their sentiments on the subject. But this hope,
 VII. however legal, was frustrated.

If it be considered that amongst the numbers who aspired to patrician rank in Geneva, were necessarily comprehended those who are called *the people of fashion*, we may conceive that they gained over to their interest such foreigners of note as were led by curiosity to visit the town. Most of the French of any distinction were particularly courted and well received by the *Tronchin* family, and we may easily judge that, on their return home, they were more apt to vindicate the cause of the pretended patricians, than that of the middling class, of whom they had no knowledge but from the representation of persons, whose interest it was to paint them in false colours. In fine, the prejudices generally diffused against the people, wherever they have no influence over government, are already sufficiently known.

These prejudices were wonderfully cherished by *Cromelin*, the agent of the republic at the court of France. The senate, on creating this important post, had reserved to itself the right of appointment. The active agent they had then at Versailles, had therefore no other instructions to follow, or interests to guide him but those of his constituents, and it was easy for him to prejudice a ministry whose attention was engrossed by objects of too great importance, to allow them a thorough study of the constitution of Geneva, or to descend to minute details of its internal dissensions.

To encrease the fatality, the death of *De Montperoux*, the French resident at Geneva, happened

pened just at the time that the citizens, to whom he was friendly, were most in want of protection at his master's court. Scarcely had his successor taken his place, when the partisans of the senate hastened to surround him; and their efforts to instruct him according to their views, and to prepossess him against the people, were so successful, that they received from him encouragement, promises and services.

It is not surprising they should succeed in attaching him to their interest. *Hennin* was an unexperienced young man; he found in their society zealous friends, persons captivating from their improved understanding and social qualities: he was undoubtedly at that time ignorant how far the lust of power and spirit of party can pervert the best of characters and corrupt the most upright heart.

Matters being thus prepared, we may conceive that it was not difficult to persuade the court of Versailles, that all that passed in Geneva was only the result of a plan, concerted to make the constitution degenerate into a *pure democracy*. Thus prepossessed, the French minister took no pains to inquire into the arguments that the citizens might urge against calling in the guarantee; and the speedy determination of that court, unfortunately led on that of Zurich and Bern, by whom this precipitation in their first proceedings has been more than once regretted.

In this posture of affairs abroad, the general council was convened to proceed to the annual elec-

CHAP. VII. election for syndics ; when every senator, capable of being chosen, had been rejected, the councils were reduced to a critical situation ; they could not force the general council to elect syndics disagreeable to that council, and they were obliged to *proceed to a new election for the number rejected*, until the intention of the law should be fulfilled, by the annual election of the heads of the republic. In this dilemma, the senate determined to present a second time to the general council the same senators who had been rejected. But these candidates, having done nothing to make themselves *agreeable* since their first rejection, met with a second one.

The senate, on this affront, which they should have foreseen, no longer observed any bounds. Strange resolution ! They resolved to petition the court of Versailles to require of itself a suspension of the elections of the general council : but scarce had they obtained this humiliating favor, when they began to open their eyes with regard to the proceeding which they had moved for, and sent a deputation to the new resident to communicate their apprehensions as to the consequences of the suspension they had solicited. *Hennin* replied : “ that he “ took the consequences on himself ; that he “ would certainly find means to frustrate the endeavours of the *representants* to annul that “ resolution ; that he made it his point, and they “ might openly declare that.” (a) It was not thus the mediators of 1738 had begun the important

(a) Registers of the council, of the 27th of January 1766.

tant work of reconciliation. What was more CHAP. capable of obstructing it than such a demand, VII. supported by the menacing discourses of *Hemmi*? Even were that suspension of the law concerning elections demanded in the name of the three guaranteeing powers, it is evident that it ought not to take place without the consent of the general council, and that the guarantees, who had acknowledged the independence and sovereignty of the republic, could not, without infringing on that acknowledgement, thus at their will dispose of legislation. The senate however suspended any further election, and the only step the citizens could take, was to protest against such a violation of the rights of the general council. They were coldly answered that it would be of no consequence, as a precedent, in future.

From this first stretch of authority, foreigners who read into futurity, foresaw that a mediation that began thus, could not promise itself any success, and would involve the republic in the greatest calamities.

When the ministers of the three powers were arrived, (b) it was the wish of several of the *representants* to seem to be ignorant of their arrival,

(b) These plenipotentiaries were the *chevalier de Beaufortville*, lieutenant general of the royal armies, knight of the royal and military order of St. Lewis, his most christian majesty's ambassador to the Helvetic confederacies of the Grisons and the republic of Valais.

Henry *Escher* de Ressen stad-holder, and John Conrad *Heidegger*, treasurer; both of the petty council of the republic of Zurich.

Beatus

CHAP.
VII.

val, or that, at least, their interposition should be acknowledged only to be declined. This opinion, perhaps the most prudent one, was warmly supported by citizens of credit.

The calling in the guarantee is illegal, said they, therefore the interposition of the guarantees is illegal: to acknowledge the intervention of their ministers would be acknowledging that the senate had a right to call for their assistance, and that the guarantees can interpose, tho' the execution of the laws had not been impeded, or, as the senate expressed it, *to decide on questions that our legislature could not have foreseen.*

Let us beware of the danger of relying on the impartiality of the powers. What have we to hope for from an interposition, which is ushered in by a violation of the very act on which it is grounded? Let not the truth be dissembled; there exists between all the magistrates in the universe a natural confederacy against the people; authority supports authority; it will ever be to its assistance that the guarantees will come; they will not be the judges, but the avengers, of the senate. If we now acknowledge there is reason for an interposition of the guaranteeing powers in our dissensions, the senate will have, at all times, as well as the present, obscure laws to illustrate; they will be incessantly finding frivolous

Beatus Sigismund *Ougs-pourguer*, ancient knight Banneret and treasurer of the country of Vaud, and Frederick *Sinner*, knight Banneret; both of the petty council of the republic of Bern.

lous pretences for having recourse to foreigners, and for throwing off the salutary yoke of public confidence. CHAP.
VII.

To claim the execution of the laws, and to appear not to know that the guarantees were within the walls, would have undoubtedly been the wisest measure; but was that decent? And would such conduct have been fit to gain the interest of powers whose resentment was to be dreaded? The citizens steered a middle course; they determined to address the envoys, as allies of the republic and ministers of peace, and solemnly to protest, not precisely against their amicable interposition, but against calling in their guarantee.

The first proceeding of the plenipotentiaries was to publish that, “commissioned to examine impartially the questions by which the republic was agitated, they authorized all such as had the right of suffrage to present themselves before them, to inform them of their respective pretensions.” 2d April
1766.

However impartial this invitation may appear, it was in reality very unfavourable to the citizens; they had to plead against a body that assembled every day, and that could defend its cause by a well-concerted system; whereas the *representants* had no fixed place of general meeting to facilitate the unfolding their ideas, and to furnish them with means to discuss their interests with harmony: they therefore could not have the communication so necessary with one another, except by electing delegates, and by authorizing them,

CHAP. VII. them, as in the preceding disturbances, to plead
 5th Feb. the cause of the republic. But the more neces-
 1766. sary such nomination of delegates to the citizens,
 18th Feb. the more it was dreaded by the senate; they had
 1766. even sent a memorial to Versailles to prevent its
 being allowed, and their efforts had not been
 ineffectual; *Cromelin*, their agent at Paris, wrote
 to them, *that he had used such interest with*
Messieurs de Beauteville and de St^e. Foix, as to per-
suade them that such an expedient would be danger-
ous, and that he considered that affair as concluded.

In consequence, *Hennin*, commissioned to begin in Geneva the preparatory instruction, had declared to the senate, in the first conferences, *that it was not proper that the citizens should in any wise proceed by delegates, and that it would be dangerous to encourage them.*

On this single preliminary might depend the ruin of the *representants*: it is evident that justice, reason and the law of nature authorized the citizens to appoint delegates in order to inform the mediators: they therefore represented to them with energy that a thousand citizens, differently engaged in daily occupations, going in crowds to state their rights, each after his own manner, would only tire them out; or that if some individuals took upon them to speak in the name of the people, they would be infallibly considered as ringleaders, who obtruded themselves, and justified the appellation of *demagogues*, a name that was re-echoed on every side, and bestowed on the most enlightened of the citizens.

To

To accelerate the purpose of their just solicitations, they wisely determined not to present themselves before the plenipotentiaries. These lords saw into the motive of their absence, and struck no doubt with the multiplicity and obscurity of information that would result from the first step pointed out, they resolved to consent to the citizens appointing twenty-four (c) persons to plead and support before them the rights of all the citizens, and when these delegates were presented in a body, the *chevalier de Beauteville* replied that *the mediators were willing to listen to them, but that other citizens should not on that account be prevented from coming to give them information (d).*

The delegates were not elected this time by companies of militia; that mode of election had been forbidden by the edict of 1738. The *representants* elected amongst themselves twenty-four commissaries, and then divided their own body into twelve parts, which assembled at the same time in twelve different clubs. Each of these clubs was presided over by two commissaries, and

(c) The twenty-four commissaries were J. F. Deluc, M. Chappuis, J. Furet, J. Des Arts, A. J. Pallard, J. F. J. Castanier, A. Jolly, F. Du Roveray, J. Chevrier, J. Vieusseux, E. Bonnet, A. Melly, F. H. D'Ivernois, L. Vignier, A. C. Bevard, J. Lantelme, J. A. Deluc, J. Flournois, A. Ferroux, J. A. Thuillier, M. Maudry, E. Claviere, A. F. Bellamy, J. Barde.

(d) When the senate were informed of this operation, they immediately sent a deputation of two of their body to the mediators, to represent its consequences, and to conjure them to remedy it in whatever manner their consummate wisdom might suggest. But the twenty-four commissaries had been nominated and accepted in a manner not forbidden by law.

CHAP. and these twenty-four presidents formed amongst
 VII. themselves a body empowered to draw up memorials and propose measures.

The Swiss plenipotentiaries having been informed that these twenty-four commissaries were preparing to decline the intervention of the guaranteeing powers, earnestly entreated them to renounce an idea that might cross the happy reconciliation they were about to effectuate.

22d April 1766. The commissaries yielded to their desires, and were contented with proving in an *historical memorial*, that the senate had no reason for calling in the interposition of the guarantees: at the same time, not to delay an accommodation by disputes on forms, they presented to the mediators divers memorials. If the reader be curious to peruse them in the *collection of pieces concerning the guarantee*, he will find in them a great deal of moderation, sufficient perspicuity, sometimes warmth; but too often that tedious length, which arises from the fear of omitting any circumstance essential to the cause that is defended.

The senate, who had been long preparing for the important suit they had instituted against their fellow-citizens, adopted a measure far different from this: before the arrival of the mediators, (e) they

(e) I shall sometimes make use of this title, although improper, since the right of the powers to interpose was constantly declined by the citizens. *A mediation* unasked could be nothing else in Geneva than the exercise of the guarantee; friendly offices are, it is true, made the previous measure to

they had already nominated a deputation of their body, but as they had embarrassed themselves in their answers to the *representants*, they prudently recommended to their deputies to plead their cause *viva voce*, a stroke of policy which gave them a facility of advancing vague charges, without being called upon either to explain them to the public eye, or consequently to defend them.

CHAP.
VII.

Fortunately for the information of this history, the author has discovered in the registers of the senate the reports they received from their deputies concerning their operations. If the credulous reader can still entertain a doubt of the secret views of the senate, he is invited to reflect on the following demands which their deputies were commissioned to make to the plenipotentiaries; this extract from the registers of the senate, should for ever be marked as an era in the annals of political artifice (*f*).

The

to the guarantee; but it is evident that when there was no occasion for the guarantee, there was no occasion for the friendly offices of that guarantee.

(*f*) The following are the principal propositions that the deputation from the senate were commissioned to make to the plenipotentiaries. (Registers of the council of the 29th and 30th of July, and the 1st, 2d, 4th, and 5th, of August 1766.)

To lay restrictions on the confederative power of the general council as to *treaties of alliance*.

To suppress in the article concerning taxation the following words: "that shall be proposed to the general council to supply the necessities of the state." The design of this suppression, was to take away the necessity of apply-

CHAP.
VII.

The senate, privately solicited restrictions on the general council's sacred right of taxation, on the power of confederation and the liberty of the press; they went so far as to demand the suppression of the line of new election, and even of the clubs of the citizens; rights, of which the exercise had never occasioned either contest or doubt, and with respect to which the citizens were very far from imagining that the slightest alteration was intended to be made.

A strange

applying to the people for consent to the increase of such taxes as do not imply constraint, such as lotteries, &c.

To admit in a special manner to employments, citizens or burghers, vassals of foreign sovereigns.

That the council of two-hundred shall dismiss from employments in the gift of the general council.

That the lieutenant, auditors, and keepers of castles shall continue to imprison *ex officio*.

That the plenipotentiaries shall be invited to reflect on the dangers of clubs.

That the petty council be established judge in matters of dispute that may arise in the general council.

That no complaint or accusation against any person be made by way of representation.

That no protests be admitted, and that representations that may contain such be not received.

That all writings, relative to the dissensions antecedent to the promulgation of the law, be prohibited under penalty of perpetual banishment both to the authors and printers.

That it be equally prohibited to print or cause to be printed, to introduce, to sell or publish any representation without permission of the council of twenty-five.

That the line of new election be suppressed, or never more to take place, except for one single operation.

A strange proof of blindness or perfidy ! For CHAP.
undoubtedly it has not been forgotten that the VII.
same men, who secretly demanded such changes
in the constitution, were the members of that
same body, which, two years before, had de-
clared *unanimously and in the face of the country,*
that it should never be laid to its charge that
the constitution, of which it is so particularly
the depositary, should suffer any alteration in its hands.
In a word can we persuade ourselves to believe,
that the senate dared to demand the abrogation
of the edict of 1738 from the very powers that
had sworn to guarantee it, and that they had so
recently solicited to maintain it in all its purity ?

C H A P.

CHAPTER VIII.

Of the justification granted to the senate by the guaranteeing powers—The efforts of the citizens to prevent it—Its consequences.

CHAP.
VIII.

THIS stroke seems sufficient to provoke the highest indignation, yet this first proceeding of the senate was followed by a second, at which every faculty of the soul revolts. The same week on which the senate solicited the assistance of the plenipotentiaries, to trample under foot the edict of 1738, they demanded from them a public justification against the imputation whispered, of their having intended the slightest violation of that sacred edict.

If the first demand was bold, the second was still more so; it must have decided the condemnation of the citizens and connected the interests of the *negatives* with those of the guarantees, who, once engaged in such a step, could no longer, without the most absurd inconsistency, refuse

refuse their further demands (*a*). The senate therefore proportioned their exertions to the importance of obtaining this justification.

One would think that equity required that the citizens should have been asked what they had to object against such a demand. It was thus at least the Swiss envoys had acted in 1707, when a justification of this nature was demanded by the senate, and of which the absurdity and danger were easily exposed by *Fatio*.

However matters had been considerably altered since that period, for the testimony of approbation of the guaranteeing powers must in reality have conferred the quality of judges on plenipotentiaries tho' invited only as conciliators: that approbation was notwithstanding a secret to the *representants*, who heard nothing of it until it had been drawn up at Versailles, and sent by that court (*b*) to the Cantons joined in the guarantee, and by whom it was at first refused.

Q

On

(*a*) The senate resolved to demand of the plenipotentiaries, an authentic declaration concerning the use they had made of their power, and the atrocious calumnies vented against them.

(*b*) It is difficult to say which furnishes matter of greater astonishment, the importance which the court of France put on the senate's obtaining that justification, or the motives alledged by that court to prove the necessity of giving judgment before negotiation began. Such are the very terms of a memorial of the Chevalier de Beauteville of the 28th of May 1766, in which he required of the Swiss mediators

CHAP.
VIII.

On the refusal of the council of Bern, the citizens had determined to observe silence, but having been informed that the Duke was repeating his solicitations, they were sensible it was dangerous to delay controverting the justification, 'till it should have received the seal of the guaranteeing powers, it was to prevent that, they made a representation stating its illegality and dangerous consequences (c).

The French plenipotentiary thought it his duty to appear offended at this writing, which tended, he said, to suspend the operations of the guaranteeing powers; he ordered it to be returned to the commissaries, and declared to them, *that he would postpone the prosecution of its authors, and that he would in proper place and time require a punishment suitable to their desert.*

A few days after, the Court of France announced to the twenty-four commissaries, *that the king had been provoked at the indecency and audaciousness of the compilers of that writing, and that*

mediators previously to censure such as had calumniated the senate. *The employing this new guarantee will prepare, said he, the success of the mediation.*

(c) They represented to the mediators, that the justification required was directly contrary to the act of guarantee itself, and *would prove an insurmountable obstacle to any reconciliation and return of confidence. 'Tis that confidence, said they, that is a real eulogium on the magistrates, and it is in the hearts of their fellow-citizens they ought to seek for their justification.*

that his Majesty suspended his resentment that pardon might depend on their future conduct." (d)

Thus were treated the citizens of a free and independent state! What is remarkable in this event is, that it was at the very instant that the sword of France was suspended over the Commissaries of the Citizens, that the latter pledged themselves to meet the first strokes, with which their defenders were menaced, and to live or die with them; they drew up a new writing, in which the same principles were supported, in a stile more respectful, but not less resolute. The citizens represented *that they had a right to declare their sentiments on the clauses of the act of guarantee; and that were this sentiment wrong, it would be only an error of judgment, not a crime.* They requested of the plenipotentiaries *a full return of that good will which alone could secure the advantage of declaring their opinions with freedom.* But at the same time they insisted anew on the invalidity of calling on the guarantee; they reminded the guarantees, that the act of 1738, pointed out the

28th June
1766.

Q 2

(d) The following is a copy of that letter.

"The king's indignation has been provoked at the indecency and audaciousness of the representation of the 24th of June; the compilers of that writing undoubtedly deserve that his majesty should demand an exemplary punishment, capable of restraining such as might, in future, be tempted to be wanting in respect and gratitude, so justly his due: but, ever disposed to extend lenity, he is willing to suspend the effect of his just resentment, and make his resolution on this subject depend on their future conduct."

CHAP.
VIII.

the *friendly offices* of the powers as a necessary previous measure, and that this previous measure could not take place, if the justification demanded by the senate preceded the project of reconciliation.

But the French plenipotentiary had received express orders from the duke, to leave nothing untried to have the justification agreed to by the cantons and the citizens: he had been persuaded that by assuming a menacing character the impression resulting from the justification would be the less sensibly felt; he therefore at first refused to receive this second representation.

The deputies of Bern, after having for some time opposed this demand of the court of Versailles, not only had the weakness to acquiesce, but even carried their condescension so far as to go to Bern to dispose their sovereign council to accede to the wishes of the duke and the *negatives* (e). They represented this justification as a mere matter of form, after which the senate

(e) These two ministers were not however ignorant that this measure would irremediably destroy the little confidence the citizens had in their operations. The following are the terms in which they had addressed their excellencies. *Without dispute, this declaration must be sensibly felt by the citizens and perhaps be attended with consequences.*

Those of Zurich knew better how to preserve their republican independence; they were contented with representing to their sovereigns the state of affairs, and the arguments for and against the justification, but they refused to consent to it, until they had consulted their constituents.

nate would resolve on the greatest concessions. CHAP.
VIII.
The meeting of the sovereign council of Bern lasted from eight in the morning till half after seven in the evening. Several members opposed the measure with energy.

“ To grant said they, such a justification, at
“ the very moment peaceful measures are in
“ hand, is not only judging before negotiation,
“ 'tis also defeating every measure that can tend
“ to a happy reconciliation. If it be thus a
“ sovereign people is treated, the last measure
“ will be to march troops, and open entrench-
“ ments before Geneva; it is but too evident,
“ that is the extremity into which they want to
“ lead us.”

After a very warm debate, the act of justification was agreed to by a majority of 106 votes against 76: it also passed at Zurich; but it received in those cantons some essential modifications, and they also retrenched from it whatever was a direct attack on the general council's right of refusing to elect.

The mediators then, either to soften the effect of the declaration, or to induce the citizens to observe silence, previous to the publication, summoned the twenty-four commissaries in order to 26th July
1766. declare to them, that they were going to employ themselves with the strictest impartiality on the work of general pacification; insinuating that they had a *particular interest in not having their good intentions frustrated*. Having thus contrived to introduce the justification, when the public was suspended between the hope of peace and the

Q 3

appre-

CHAP. apprehension of new calamities, they solemnly
 VIII. declared and published.

27th July
 1766.

“ That, far from having given cause for legal
 “ complaint, the petty council had not deviated
 “ from the sacred duties of faithful magistrates ;
 “ that their administration had been legal, up-
 “ right and paternal.”

“ That the imputations cast on that council
 “ were injurious, dictated by prejudice and
 “ passion ; and that the refusal of the citizens
 “ to choose the first officers of the republic from
 “ amongst the members of the council, was un-
 “ just and unreasonable.”

“ That the *letters from the mountain* were a pro-
 “ duction inspired by the spirit of revenge, and
 “ that the aspersions they contained against the
 “ petty council, were atrocious calumnies (*f*)”

This declaration failed not to appear in all the gazettes ; but it proved less fatal to the citizens than they had reason to expect ; it became as it were a signal to the majority of the nation to rally under one common standard.

The

(*f*) It is evident that by this justification the *negatives* gained their cause in every point: there were however not only some points that appeared problematical even to the eyes of the mediators themselves, but also others in which they greatly condemned the senate. The delegates of the petty council acknowledged to their body, on the 16th of May 1766, that what they had alledged on the article of the code had not been pleasing to the plenipotentiaries.

The indecent arrogance of the *negatives* in their triumph served to augment the prudence of the *representants*. Persuaded that they were braved by the senate, that they might be provoked to some violence and thereby lose the fruits of their long moderation, they determined to appear insensible to all the provocations of their adversaries (g).

CHAP.
VIII.

For

(g) I don't speak here of several particular facts, with regard to which it may be easily conceived both the *negatives* and *representants* were mutually in the wrong, and wherein the faults of each party were represented by the opposite faction in the exaggerated colours of rancour. Such facts should never be related by history, except when they have an influence on public events, or produce a lively sensation.

Such was an anonymous libel, called *the Dictionary of the negatives*, replete with sarcasms and injurious invectives against the partisans of the senate, and in which the French plenipotentiary was spoken of with dangerous temerity.

Such also was the impeachment of commissary *Thuilier*, accused of having said that *he scorned the seignior* when orders were sent to him to fill up a pool at his country seat: *Thuilier* is summoned; he appears; is interrogated; denies the fact, and is committed to prison. The people imagine the fate of *Fatio* and *Le Maitre* awaits him, and thrice the women and children form on his passage an impenetrable barrier. The commissaries, witnesses of the lively agitation of the people, went to conjure the senate to suspend the order given against their colleague. The senate remained inflexible; but fortunately *Thuilier* escaped through a back-door, and went to prison, without having been perceived. The apprehensions of the people were soon calmed; the judges, unable to find sufficient proofs of the accusation instituted against *Thuilier*, set him at liberty without costs, and gave him up to the judgment of God

CHAP.
VIII.

For three entire days, the clubs of the citizens were assembled; their sorrow was expressed in doleful complaints, but still they determined to observe silence: they vowed to redouble their moderation and firmness, to wait the event with intrepidity, and to display in the discussion of the project of pacification nothing but the purest patriotism, divested of all party spirit, at the same time free from any sentiment of fear.

We are drawing near the period when the history of Geneva becomes a species of political romance, the veracity of which might be questioned, were it not that every fact on which it rests, can be stated with authenticity. Never did a feeble state, in competition with a powerful one, exhibit a more astonishing spectacle, or more worthy of interesting the friends of liberty: a single indiscretion might have been the ruin of the citizens; they had prudence enough to avoid it, and, by their virtues and their wise intrepidity, they became entitled to the admiration of those to whom minuteness in size is not a subject of contempt.

CHAP.

God and his conscience. This affair had no other consequence but that it evinced the people's attachment to their leaders, and the efforts of the latter to keep the people within the bounds of prudence and moderation, from which the senate appeared desirous to make them stray.

CHAPTER IX.

Character of the duke de Choiseul, and the mediators—Noble refusal of the court of England to interfere in the dissensions of Geneva.

BEFORE we enter on a discussion of the public undertaking in which the mediators were employed, it is essentially necessary to delineate their private characters, and to mention some particulars concerning their conduct towards the representants: it must be acknowledged that the latter had suspicions, even before their arrival, that they would not be divested of prejudices: these suspicions were proved to have been but too well founded, and the commissaries of the people soon perceived by the precipitation with which their memorials were demanded, that they were waited for only in compliance with formality. CHAP.
IX.

If you do not speedily present them, said the chevalier de Beauteville, we shall at any rate open the conferences; I have but a certain portion of time to spare; altho' it gives me great pleasure to see you, you may dispense with coming, until you have
some

21st April
1766.

CHAP. *something to present me, as I don't wish you should*
 IX. *lose your time (a).*

Two months after his arrival, this minister complained bitterly to the commissaries of the *affected slowness* with which they proceeded in their exposition; he even fixed the term of twelve days, after which *the plenipotentiaries would no longer receive any memorial*. Was it consistent with justice thus to reproach a people who must necessarily act with cautious deliberation? Was so short a term sufficient for a people whose grievances were so numerous, and who, as they could never have expected a second mediation, could not have made any preparations for it?

The chevalier *de Beauteville*, the French minister, was endowed with an upright heart, but his mind was weak; and his weakness was the more fatal to the *representants*, as he yielded himself almost without reserve to the insinuations of his secretary, an impetuous youth, named *Taules*, who from the first of his arrival, had espoused all the passions of the *negatives*: the active disposition of this secretary and the delicate health of the minister made the chevalier act in this
 em-

(a) He had said, two days before, that *it was only a method of placing the arguments of the representants in a more advantageous light, and a satisfaction which the mediators were willing to grant them*. From that day we may date the end of the gracious language, in which the French plenipotentiary used before to speak. From that day he never more was heard to say to the citizens, as on his arrival; *come when you please, I shall ever receive you and listen to you with pleasure, if I have not leisure, you shall be told so without ceremony, and may come another time*.

embassy a part of which he was otherwise incapable (b). CHAP.
IX.

The old citizens, who were already complaining that they found not in the mediators that perfect impartiality, by which the compilers of the edict of 1738 had captivated every heart, felt the heaviest affliction on being informed of the profound contempt this underling publicly professed for the popular proceedings of the count *de Lautrec*: in effect this young man had neither sufficient art nor decency to conceal from the citizens the hatred he had vowed against them; he even took pleasure in provoking them by insulting and threatening language. "I am of opinion, said he one day to some of them, that if they were kept in awe for fifty years, it would make them resume their confidence in the councils."

Thus were baffled the hopes of the citizens, who must naturally have depended, as in 1738, on the French plenipotentiary, because, the true principle of absolute monarchy being the happiness of the majority, the court of Versailles seemed to have no real interest in favoring the aristocratic views of the senate. But if this principle be true in despotic states, it is no less certain also that they are exposed to perpetual instability in principles and views: an instability, unknown in mixt states, where ancient maxims of government are preserved unaltered, and,

(b) Some confidence in his principles had at first been conceived from information that he was in intimacy at Paris with the philosopher *Thomas*. The latter wrote to him one day "*Form men to be free.*" We shall see how much he strove to take a contrary direction.

CHAP. and, as it were, in deposit amongst numerous
 IX. separate members of the state. Europe had at that time before her eyes a striking proof of this; for since the duke *de Choiseul* had been raised to the ministry, the most important object of his policy was the destruction of the two free governments which cardinal *de Fleury* had taken such pains to settle in 1738, Sweden and Geneva.

At the very beginning of his administration, this new minister unfortunately quitted those moderate proceedings which his predecessor, the duke *de Praslin*, had appeared to have embraced towards Geneva; through a disposition too natural to the administrators of mighty empires, the zeal of the citizens was easily made appear to him as fanaticism, their resolution as audaciousness. His ardent and elevated genius was more capable of those absolute decisions by which obstacles are borne down, than of that gentle moderation by which they may gradually be levelled. He had been so inconsiderate as in some measure to lend his name to *Cromelin*, who availed himself of it to deceive him with regard to the intentions of the citizens, and who afterwards abused it so far, as to engage him to exert in the course of the negotiation that precipitancy and harshness, which in republics scarce ever meet with success.

It is the characteristic of comprehensive minds, and of men accustomed to that irresistible authority, before which all is constrained to yield, to wish to concentrate the administration of states within a small number of hands. The obstacles the duke *de Choiseul* met with in his projects rendered him but the more ardent in pursuing them :
 he

he shewed nearly as much attention to the revolution of Geneva, as to that he was introducing into Sweden, but in the former he displayed more haughtiness, and much less moderation. The warmth and agitation that possessed him, were more than once turned into derision by the courtiers. In short, such is the misfortune of small states, that have any affair to accommodate with great powers, that the indiscretion of a single man might have annihilated the liberty of Geneva, had not the cantons of Zurich and Bern acted with the most cautious slowness in the course of the mediation.

CHAP.
IX.

Unfortunately the passions of those who governed in Geneva, and the prejudices they had inspired into the court of France, were discovered too late by those allies. Their ministers had neglected to resist the influence of that court at the beginning of the negotiation, and thought not of shaking off the ascendancy of the French plenipotentiary, until it was almost too late. One of them had however one day a smart altercation with him: “do you know, Sirs, said the chevalier de *Beauteville*, that I am the representative of the king my master? Do you know, Sir, replied one of the republicans, that we are the representatives of our equals?”

It is certain the Swiss ministers observed a more even proceeding, but the citizens, without suspecting their integrity, soon perceived that their rank, their haughty character and political principles disposed them to believe too readily, whatever the senate wished to persuade them

CHAP. them. Ought this to be matter of astonishment?
 IX. What men could have escaped the snares to
 which a situation like theirs is exposed? What
 voice more persuasive to magistrates, as these
 lords were, than that of other magistrates their
 fellows?

The match was therefore unequal; the cause was between aristocracy and democracy; the balance held by the chiefs of two aristocratic republics; and the powerful relationship of analogy between their own interests and the chiefs of the republic entrusted to their care, hurried them with irresistible force to a natural preference in favor of administration.

We cannot sufficiently deplore the refusal of the court of England to take a share in the tribunal of the mediation, as had been proposed by the duke *de Praslin*, either through respect for that court, or to evince to Europe the uprightness of his intentions towards Geneva. Unfortunately the cabinet of St. James's took no other concern in this affair, than that of the humane regard, which is due to feeble states. Their answer to the court of France was, that they had no right to interpose in the affairs of Geneva, as long as they were not invited by that republic herself (c).

How

(c) "If the king of England has excused himself from taking a share in the mediation, said his excellency general Conway in his letter to the senate, of the 10th of May 1766, "it is not for want of attachment to the prosperity of Geneva, but only because he found that it was neither becoming his dignity, or the independence of the republic, that any foreign power should intervene in her domestic affairs."

How afflicting it is to be obliged to condemn a conduct so noble! But sad experience extorts from us a reflection, of which that experience alone will shew the foundation. We presume to assert, that the British ministry, in addressing to the court of France so admirable, so wise a lesson, fulfilled but a part of the obligations imposed on them as administrators of a free and protestant state. To urge the independence of Geneva was not sufficient to preserve it inviolate; England ought to have declared that she would watch over that independence, and cover the liberty of this small state with her powerful protection. Undoubtedly such a declaration would have rescued Geneva from the interposition of France; an interposition, that must necessarily pave the way to a new one, the moment that England could no longer watch over the preservation of the Genevese.

CHAP.
IX.

C H A P.

CHAPTER X.

Of some events that preceded the project of pacification drawn up by the plenipotentiaries—Examination of this project.

CHAP.
X.

THE project of pacification, about which the mediators were employed, was daily advancing. From the union that reigned between them and the magistrates, the people were persuaded that they laboured in concert; and it must be acknowledged that their work was feared even before it was known. Who could blame the citizens distrust? They knew that the duke *de Choiseul* had demanded many essential alterations in their laws, no conference had been held with them as in 1738, and they had even been so entirely slighted, that having testified some discontent at the project which began to transpire, they were answered: “that they could not be judges of any part without seeing the whole, and that certainly they would have reason to be satisfied.”

Cromelin

Cromelin, who had artfully applied himself to impose on the character of the duke, in order to deceive him with regard to that of the citizens, persuaded him that all might be obtained by threatening means, and especially by directing those threats against their dearest defenders. Seduced by this artful man, the duke behaved more like an avenger, than an arbiter, and forgot himself so far as to demand of the cantons that the authors of the *answer to the letters from the country* should be punished in an exemplary manner, (a) as well as the principal commissaries: he was undoubtedly induced to make this demand by a hope that the preservation of the lat-

R

ter

“(a) The consequences that would result from impunity are striking, said this minister in a letter to the cantons, especially in a republic where the magistrates and the law have no power but in proportion as they possess the confidence and consideration that are their due. His majesty, with the greatest impartiality, expects, magnificent lords, from the benevolent sentiments with which you are equally animated towards Geneva, from your equity, your impartiality and your attachment to his majesty and his crown, that, penetrated with the same principles, you will order your deputies to adhere to the proposition to be made them by Mr. *de Beauteville*, to demand from my lords of Geneva, in the name of the mediation, that the authors of the libels, particularly of that called the *answer to the letters from the country*, be at least punished with banishment and the loss of their freedom.”

Therefore, according to the duke *de Choiseul*, because the magistrates of Geneva should have no power, but in proportion to the confidence they possessed, it was necessary, in order to gain them that confidence, to degrade the authors of a work, which only tended to unfold the same principle!

Long

CHAP. X. ter might be made the price of the slavery of their constituents. On the news of this strange demand, the Genevese imagined themselves on the point of seeing exhibited anew the atrocious scenes of 1707; but they vowed not to be silent spectators, and to perish with their defenders.

The cantons, informed of this generous resolution, openly rejected the proposition of the Duke, and demonstrated to him that it argued a power in the guarantees that they were not possessed of. That imprudent step was attended with no other consequence but that of closing the union of the people, animating their hatred against the authors of their misfortunes, and of anticipating the loss of confidence in the offices of a minister, whose first proceedings were ushered in with so much partiality, and who treated the *representants* as seditious men who had abused their liberty. It was at length declared that the mediators had terminated their project of pacification, and that it was to be brought to Versailles by *Taules*, to receive the royal sanction, before it should be presented to the different councils of the republic for their acceptance.

Far otherwise had the liberty of the general council been respected in 1738. To avoid all sus-

Long did the duke persist in his demand, without the performance of which *there would never be*, as he said in a letter to the cantons, *any permanent tranquillity in Geneva*. But they constantly refused, and the duke appeared no less surprised than exasperated that he could not have disposed of the Genevese writers with the same facility that he imprisoned the periodical writer *Freron*.

suspicion of constraint, the mediators had not presented their work to their Sovereigns, until it had been received by the whole republic: by this anticipated ratification, the citizens were fully convinced that it was intended they should be constrained to accept of the project by the fear of causing a rupture between the republic and the mediating powers.

C H A P.

X.

The day of danger was at hand, the citizens resolved to make a final effort to avert so many calamities; they attempted to undeceive the equity of the minister, that had been surprised. *Deluc* the son was charged with this important commission; he courageously faced the danger to go plead the cause of his fellow-citizens to the duke, and he arrived in Paris at the same time as *Taules*.

The qualities of the mind and heart conspired to render *Deluc* an interesting character: the heroic intrepidity which distinguished the father, was equalled by that gentleness of disposition which gained attention for the son, and by the art with which he calmed the most intemperate minds. The former was accused of sometimes raising the storm, the latter of being too much inclined to yield to it. Ever serene in the midst of danger, he never was deficient in resources, and rendered essential services to his fellow-citizens, and to their commissaries whose colleague he was (*b*).

R 2

He

(*b*) He has distinguished himself throughout Europe as a natural philosopher, and particularly by his discoveries on the atmosphere. He is now reader to the queen of England.

CHAP.

X.

He obtained an audience: the minister received him with cold and supercilious dignity, and allowed him but a short time to speak: *Deluc* expressed himself however with resolution, and in a wise and noble manner; he gained for his abilities a flattering testimony, which he was unable to gain for his cause; but the duke nevertheless considered him as one of the promoters of the people's obstinacy, he even dropt hints that he must shorten his stay in Paris. The agent *Cromelin* indulged the most unseasonable pleasantries on the bad success of his journey.

The project of pacification was therefore signed by the court of France; it was also approved by the two cantons, but they testified a desire that it should be *submitted to the free votes of the citizens*, and promised to guarantee it, if it met with approbation. The protectors that the citizens had in the councils rejected it without assigning any particular objections, *it is too bad*, said they, *to admit of a modification; the representatives have only to reject it (c).*

It

-
- (c) During this interval, a new incident contributed to augment the alienation of the citizens minds. The time of election for a lieutenant, for auditors and an attorney general, was arrived. It was apprehended that the general council would again reject the candidates presented; and although the legislative body alone had power to put a stop to these operations, the senate took upon them to suspend them, with the opinion of the grand council and the plenipotentiaries, and were contented with declaring, that this suspension should have no consequence, as a precedent, in future. This new attack on law startled the citizens. *What consequence more frightful*, replied they,
- 10th Nov. 1766.
- 14th Nov. 1766.
- th. n*

It was then the court of France began to put in practice the threatening operations of which *Cromelin* had furnished a plan. The lieutenant of police at Paris assembled all the Genevese settled in that metropolis and declared to them : “ that in case the Genevese rejected the plan approved of by the mediators, and refused to submit to the decision of the guarantees, his majesty being determined to break of all connexion with Geneva, and to send home all the Genevese settled in France, had been graciously pleased to give them timely notice, that they might not be surprized at the event.”

At the same time they had recourse to issuing *letters de cachet*, and threw into the bastille *Lenieps*, a citizen respectable for his age, and because he had already been in 1737 the victim of the senate, merely for having corresponded with *Micheli*. The senate of 1767 made a still greater crime of his corresponding with some of the commissaries, and altho’ the police of Paris could not find any thing on ransacking his papers ; however, either to palliate that act of violence, or to alarm the Genevese on the fate of their defenders, they nevertheless circulated a report that a criminal correspondence with some of them had been discovered. To render this event still more alarming, the chevalier *de Beaufortville* sent for several of the commissaries, and declared to them : “ that the king had discovered
8th Dec. 1766.
“ from

than its shewing future magistrates, that, by means of a formality, they may set themselves above the laws? Are mere promises more binding than sworn laws? We shall never cease asserting ours, our very silence shall assert them.

CHAP. X. " from the papers of *Lenieps* that a plot had
 " been formed to reject the plan of mediation,
 " before it had been seen; that his majesty pro-
 " voked at this excess of insolence and audaci-
 " ousness, would find means to obtain satisfac-
 " tion, and would particularly render responsible
 " those who seduced their fellow-citizens, and
 " held them under a disgraceful yoke." The
 minister denounced to them misfortunes of every
 kind, if the project were rejected; and forgot
 himself so far as to declare that the king his mas-
 ter meant that it should be accepted (*d*). It
 was on this occasion that a citizen replied, *is*
your king ours?

However disadvantageous the idea the citizens
 had conceived of the mediators project, before
 it was made public, it excited amongst them a
 general exclamation of astonishment and indig-
 nation on its appearance; and the discussion, to
 which they seriously applied, only served to pro-
 long and encrease the first impression it had made.
 In effect this new act of legislation irrecoverably
 annihilated the fundamental constitution of the
 republic, and deprived the people of all their
 most essential rights. True it is, the legislative
 power was left inherent in them, but a second
 legis-

(*d*) The following are exactly the expressions of the ple-
 nipotentiary. " The king has charged me as well as his
 " minister to declare to you that his determined will is, that
 " the plan be accepted." This phrase was denied, and
 commissary *D'Ivernois* having maintained to *Taules* that his
 excellency had pronounced it, the latter, darting at him a
 furious look, replied: " Sir, your ears have been tingling
 " as well as those of the rest."

legislative body was established above them, two thirds of which were taken from the councils, and in which was deposited without restraint the *negative right*, that is to say, the hatchet of the constitution to hew down at their will, whatever laws still remained that could give umbrage to their authority. CHAP.
X.

Taxation was an object nearly in the same predicament, and whilst the political rights of the people were thus destroyed, nothing had been done to secure the rights of individuals, the most important, perhaps the only end of every free society (*e*).

Though

(*e*) Except for being taken *in flagrante delicto*, a citizen of Geneva could not be committed to prison without having been brought, if he required it, before one of the four syndics or the lieutenant.

If the four syndics were found exceptionable, the least exceptionable of the members of the tribunal presided, taking the syndics oath.

Renunciation of freedom, change of religion, or judgment, were punished by the perpetual loss of freedom to the criminal and his heirs.

As for representations, the number of such as presented them, till then unlimited, was reduced to twelve. They could not be presented on affairs of individuals on which a cause depended. The representation was to contain but a single object. No other could be presented until the first were decided.

All claims, against the answer to which no citizen remonstrated within eighteen days, fell to the ground, and were never to be renewed; and it was not lawful for any person *to insist on them or to take any measures whatever to renew them, under penalty of being punished without hope of pardon as a disturber of the public repose.*

It

CHAP.

X.

Though the real framers of this work had exhausted all their art to mask their secret intentions under some popular forms, these intentions were visible throughout; they fully realised in it

It was prohibited to print, cause to be printed, introduce, sell or distribute any representation. In case of new dissensions, it was prohibited, *on pain of perpetual banishment, or penalties still more severe*, to print, cause to be printed, or introduce any memorials, pamphlets, or writings relative to said dissensions.

The council was to proceed against the printers of books against the established religion, but, previous to their proceeding against the authors, the consistory was to be charged to hear them.

Application to the council of two hundred, for obtaining pardon, was limited, and the senate was empowered to banish for nine years, imprison for four, and punish with fines, and many other penalties without any appeal.

The council of two hundred acquired the title of *sovereign*, in every case *wherein it judges and decides without appeal*.

The right of taxation and levying subsidies, which belonged without exception to the general council, was limited to such contributions as imply constraint.

The citizens, till then at liberty to communicate with each other in the general council, were subjected to a humiliating constraint; they were to be seated, to remain in their places, to proceed to vote in order, and seat after seat.

The commissaries, and every assembly, or club of the citizens, were suppressed.

The privileges of the natives were invariably limited to what had been granted by the edict of 1738.

The general council was forced to elect the four syndics from the council of twenty five, and lost the right of choosing the treasurer, lieutenant and auditors from amongst all the citizens.

As

it the system at which they had long been aiming, that of conveying the powers of the general council to the council of two-hundred, rendering it depositary of the public force, and thus establishing in Geneva an aristocracy, hereditary in fact, tho' to all appearance elective, over which the *Tronchin* family and three or four more of the most opulent, would soon have acquired absolute empire.

CHAP.
X.

To complete their misfortune, the citizens had no hope left of amending that work; it had been presented to them *as an indivisible plan, which must either be accepted or rejected in the whole, no article of which could admit of change or modification without altering its essence, without disturbing the equilibrium it established between the different bodies of the state.* The plenipotentiaries proposed it *as a plan, which even themselves were no longer permitted to retouch.* 23d Nov. 1766.

This language of the plenipotentiaries, and the partiality of their plan, together with its faults,

As an indemnification for so many sacrifices, the *negative right* was made to pass to a tribunal of seventy-nine persons, two thirds chosen in the inferior councils, and the other third from amongst the private citizens. This tribunal was empowered to give a final refusal, by majority of votes, to every representation.

Finally, to render, as they said, the grand council independent of the senate, this latter body were obliged to elect, at every promotion of fifty members to the grand council, seven citizens or burghers in each of the four quarters of the city. But who is not sensible of the facility with which the senate might have ever had creatures ready in all the different quarters?

CHAP.
X.

faults, furnished advocate *De Lolme* with a favourable opportunity for displaying his talents and his eloquence. This young man had already deeply studied the causes by which personal liberty, and the equilibrium of power between government and the people are established: he had surveyed his country's constitution with that glance of genius, which afterwards embraced the constitution of England (*f*). He possessed a depth of reflection and a flow of language: the danger, that threatened the liberty of his country, inspired him on this occasion with all the energy that animated the orators of antiquity.

“ Behold then at length, behold this project,
 “ on the impartiality of which you have been
 “ so much deceived, said he to the citizens!
 “ They force you to elect your syndics from
 “ amongst those very men, against whose usur-
 “ pations you require protectors: they have even
 “ gone so far as to free the senate from the obli-
 “ gation of gaining the affections of the citi-
 “ zens, by exempting them from having recourse
 “ to the people for taxes, and by fettering the
 “ sacred right of representation, or rather utterly
 “ depriving you of the most important right of
 “ all, that of laying your grievances before the
 “ general council. And they dare to call a
 “ *counterpoise* this upstart tribunal, which may
 “ convert violation into law, annihilate laws as if
 “ they were abuses, explain them away, choose,
 “ nay

(*f*) He is author of the work called *the constitution of England*, a work admired by Englishmen themselves, and by Englishmen of every party.

“ nay create, the meaning they should have?
 “ Doubt it not, my fellow-citizens: all those
 “ operations, however strange they now appear,
 “ will be legalized: remonstrance will be made
 “ a crime, and woe to that citizen of Geneva
 “ who shall hereafter raise his faltering voice to
 “ tell the arbiters of his fate, *you have done amiss!*!

“ You are flattered, it is true, that whatever
 “ contests arise in the republic, shall hencefor-
 “ ward be terminated within her own bosom.
 “ But what will avail your liberty abroad, when
 “ its defenders, converted at home into fomen-
 “ tors of sedition, may be arrested, may be
 “ punished at every step they go, on a vague
 “ accusation of having disturbed the *public*
 “ *tranquillity*? For, be not deceived, these terms
 “ that occur so often in this project, these vague
 “ words, *tranquillity*, *order*, are but vain phan-
 “ toms of public happiness; they are instru-
 “ ments prepared, to decree against the friends
 “ to liberty the penalties due to the *disturbers of*
 “ *the public repose*.

“ Not only, they destroy our representations
 “ before their birth; they even deprive us of the
 “ power of assembling, and have gone so far
 “ as to prohibit us the liberty of the press. No,
 “ even were this republic inhabited by madmen,
 “ its safety could not have been better provided
 “ for, and nothing is wanting to complete this
 “ project, but an express prohibition against
 “ falling into despair, which so many doors left
 open

CHAP. " open to oppression, could not fail at length to
 X. " occasion (g) !
 {

" Citizens, the eyes of Europe are upon us.
 " We have entered on a vast career, we must
 " accomplish it; hitherto our virtue has only
 " blossomed, it is time that it should ripen into
 " fruit."

However overcharged this picture may appear, it does not transgress the bounds of truth: scarcely will it be credited that the plan of the mediators could deserve such severe censures, but faults must have been expected, if attention has been paid to all the stratagems that had long been artfully put in practice to prejudice the reputation of the citizens, to the effect these stratagems had on the mediators, to the extraordinary conduct of the latter both at the beginning and during the course of their work, and to the threatening preparations they were making to support it. Before we proceed farther to unfold these preparations, it is essentially necessary to state a fact which will serve as a key to the excessive partiality visible in the plan of the mediators: it is this, that the coercive measures we are about to see displayed were not an invention subsequent to the plan, and arising from the necessity

(g) Far from wishing to prevent the effects of this despair, the compilers of the project had beforehand considered that they might avail themselves of the act of such of the citizens as in the first moments of their grief would not have hesitated to imitate the conduct of *Rousseau* by a renunciation of their freedom. According to the project of the mediators, *every citizen who renounced his freedom, was condemned to perpetual loss of it, and his heirs after him.*

cessity of preserving the honor of the powers who framed it, but that, on the contrary, all these measures had been concerted by them before they entered on their work, and that it was their confidence in the success of these threatening measures that gradually induced them to present to the Genevese so intolerable a constitution. To authenticate this important fact, it is sufficient to quote the memorial addressed to the Swiss plenipotentiaries by the chevalier *de Beauteville* on the 28th of May preceding, that is to say, at the very opening of the mediation.

CHAP.
X.

“ Shall we not have a very great advantage in this work, are the words of the memorial, by reducing the demagogues to the necessity of choosing between the government of 1738 *explained and fortified*, and the new plan of government that we shall propose to them? For what can the demagogues do? Will they determine on refusing all negotiation, all accommodation? *But will not such a resolution and a declaration of war against the three powers be one and the same thing?* And is it to be presumed that eight hundred persons will dare take such a resolution? Is it not in a manner certain that, when we make the principal persons answerable for the consequences, there will be no consequences?” &c. &c.

The pen drops from my hand in copying each word of this strange memorial. Such then has been the plan of operations, which were then and have since been called by the mediators their *good offices*, like the impartial proceedings of cardinal *de Fleury* and count *de Lautrec*. What
an

CHAP. an abuse of words, what a project intended for a
 X. free people? What a project coming from the
 three very powers who had sworn that the laws
 of that people *should not be susceptible of any
 change whatever without the consent of the general
 council?* That plan of operations had remained
 unknown until this day; it is time to publish
 this splendid testimony of the justification of the
 citizens; it is time to make known to the court
 of France the abuses committed under the sanc-
 tion of its name, and how greatly it has been
 deceived in suffering itself to be persuaded ne-
 ver to adopt in its proceedings towards the
 citizens of Geneva any measures but such as
 must alarm a spirited people.

In the latter part of this history it will be
 proved that this fatal plan of operations has
 been pursued with but too much constancy;
 and that if the Genevese are accused of hav-
 ing repulsed the kindly hand of the French
 minister, it is for this reason, that, since the
 edict of 1738, the ministers who have been so-
 licited to interpose in the dissensions of the re-
 public, have unfortunately renounced the ways
 of mildness and moderation, which alone could
 insure to their efforts that success, with which they
 had crowned the favors of count *de Lautrec*.

CHAP.

CHAPTER XI.

Of new menaces employed against the citizens—Proceedings previous to the project of the mediators being laid before the general council—Rejection of the project—Consequences of its rejection.

SUCH were the fatal principles that had directed the mediators in their work, and on which they had received hopes that their project would be accepted: in effect nought but a generous determination to devote themselves for the liberty of their country could inspire a handful of citizens with the noble but dangerous resolution to reject it. They heard repeated around them the words of the chevalier de Beauteville “that their refusal and a declaration of war against the three guaranteeing powers were one and the same thing;” but their resolution is on that account more deserving of admiration; they considered the project of the mediators as the tomb of their country’s liberty, and determined to perish rather than subscribe to it.

CHAP.
XI

It

CHAP.
XI.

It is with political perfecution as with religious intolerance; both lead to a species of enthusiasm; but this enthusiasm is very pardonable in free citizens, when its aim is only to support the sacred rights of man. To all these important considerations, which induced the citizens to reject the project, were added in some the fear of appearing to yield to menaces, and particularly of being overawed by the insulting language of *Taules*. This underling loudly declared that *the Genevese were too dastardly to dare refuse a project presented with such awful ceremony.*

Mean-time the magistrates began to apprehend that they had abused their influence over the mediators; and the latter to repent of having too deeply espoused the passions of the former. Nevertheless however far advanced matters were, the senate might have still averted the storm that was gathering over the republic, by commencing with the *representants* some other accommodation, the honor of which might have been left to the powers: this body did not even attempt it, they saw that a project, the acceptance of which should be free, was about to be presented to the general council in the midst of fear and terror; and they not only permitted it, but we have seen they were the very persons who had induced the mediators to that measure, by persuading them that their fellow-citizens would never dare to brave the consequences of a refusal.

But the mist seems suddenly to disperse from before the eyes of the mediators. The well-founded but late apprehension they began to enter-

entertain of the possibility of a refusal, hurried them to an indiscretion which only unveiled the more the imperfections of their work: altho' they had declared that it *was no longer allowable even for themselves to retouch their project*, they added to it some explanatory notes, to soften or illustrate some institutions: but this tardy supplement changed neither the nature of the work, nor the dispositions of the citizens, it invited them on the contrary to a new discussion, and they were still more alarmed at the confusion it introduced into the constitution. In consequence it was publicly reported that the project would be rejected.

The stad-holder *Escher*, who of all the mediators had appeared the least averse to the citizens, endeavoured to avail himself of the confidence they testified in him, and sent for colonel *Piçlet* (a) to represent to him, that the safety of the republic was at stake; that, if the project of the powers were rejected, they would decide as guarantees on the validity of the senate's pretensions; that this decision would be supported by a body of Swiss troops, who would march into the city to enforce its execution, and that many victims would be sacrificed. "Believe me, said this plenipotentiary, in a tone expressive of friendship and confidence, "our plan, imperfect as it may be, is far different from the pretensions of the court of France; it will never be known what pains we have
S " taken

2d Dec.
1766.

(a) The same that has been spoken of, pages 165 and 166.

CHAP. " taken to succeed in rendering it tolerable.
 XI. " Advise your fellow-citizens to accept of it; the
 { " *representants* will sooner or later find means to
 " amend it, but if they reject it, I see no re-
 " source left for them, and can only pity their
 " situation."

The body of the *representants* was not more seduced by these deceitful hopes, than alarmed at the menaces by which they were accompanied. The plenipotentiaries redoubled their menaces, and had recourse to the measure which France had proposed at the beginning, that of rendering the principal citizens responsible for the events. They therefore represented to the latter that they were deceived with regard to the consequences of a refusal; that its consequences would be fatal to the commissaries (*b*); that their defenders would be sacrificed to no purpose, and they themselves be under an iron yoke. Fortunately the citizens escaped this dangerous snare. " If innocent victims must be sacrificed," said they, it shall not be with impunity: the blood of every citizen belongs to the rest, and we shall form with our defenders one indivisible body."

Then

(*b*) It was publicly reported that the heads of nine commissaries would be demanded, and the stad-holder *Escher* had acknowledged to *Piclet* that he feared the court of France would require a satisfaction of that kind. The nine commissaries pointed out were *Deluc* the father and son, *Chappuis*, *Desarts*, *Vieusseux*, *Flournoy*, *D'Ivernois*, *Thuilier* and *Claviere*.

CHAP.
XI.

Then, more alarmed than ever, the mediators again assembled the twenty-four commissaries, and by turns employed menaces and solicitations to make them accept of their plan : but the commissaries candidly acknowledged *that they found not in this project the true principles of the constitution of their forefathers.* After this unsuccessful conference, the Swiss ministers tried a new one, which was no less useless to their projects than humiliating for themselves : they summoned all the citizens, ten by ten, and read to them an apology for the project of pacification. The mediators have since acknowledged, that they had been astonished at the sense of the citizens, their union, and the respectful firmness with which they presented themselves before them. “ We shall scrupulously examine your work, said they to the mediators, “ born free, we shall “ act like freemen ; we shall only consult the “ dictates of our conscience, by its voice alone “ shall we be directed : sensible of our weakness “ and inability to oppose force to force, we are “ encouraged by the consciousness of the justice “ of our cause, and equally so by your sovereigns “ reputation for justice ; they will not surely en- “ slave a state, whose *independence* they have pro- “ mised to support. They will not alter laws they “ have vowed to guarantee according to their “ *form and tenor* ; in fine, whatever calamities “ may be ready to overwhelm us, we shall prove “ ourselves patriots to the last.”

2d Dec.
1766.

The clergy had been invited by the senate to solicit the citizens to accept the project, and having sent for the commissaries, conjured them in the name of peace and religion to yield to the

CHAP.
XI.

storm, and represented the scenes of horror to which the indignation of France and the cantons would expose the republic. It is said that *Deluc* the father answered the venerable company with the enthusiasm of the primitive christians, and the resolution of a Spartan.

“ Ministers of a just and powerful God, said this respectable old man, “ you present us
“ human securities, we remind you of one, in
“ which yourselves should have taught us to con-
“ fide; I mean the support of divine provi-
“ dence; that declared defender of our republic,
“ watches over small as well as mighty states;
“ to doubt of its protection, would be offering
“ it an insult; by remaining faithful to our vows
“ to the last, we shall be deserving the crown of
“ life, we shall preserve our liberty. If you
“ follow our steps in the road of true patriotism
“ which we are going to point out, you may
“ know misfortune, but you cannot know re-
“ morse.”

The pastors had the indiscretion to insist on the personal dangers that threatened the defenders of the people; that imprudent consideration displeased the commissaries, far from persuading them. One of them, named *Vicusseux*, a citizen distinguished in a particular manner by the purity of his morals, his public and private virtues, his rational attachment to the laws of his country, and his respect for religion, compared the validity of the freeman's oath with the act solicited.
“ Ministers, said he to the pastors, ministers of
“ a religion whose morality is pure as the rewards
“ it offers to virtue are sublime, do you not here
“ pro-

“fane your sacred character, by soliciting us
 “to silence the voice of our consciences by con-
 “temptible human considerations? The spirit
 “of that holy religion you have taught me, is a
 “spirit of liberty; nothing shall engage me to be-
 “tray my oaths as a christian, as a freeman, and
 “to sign with my own hand a bond of slavery for
 “myself and my posterity. My conscience is
 “clear, I am ready to ascend the scaffold with
 “serenity; and if I survive the strokes with
 “which I am threatened, comforters of souls, I
 “summon you to assist at my death-bed; there
 “shall you judge of the consolations that chris-
 “tians derive from the consciousness of having
 “fulfilled their duty.”

The mediators last resource was openly to threaten the citizens with pronouncing a sovereign judgment on the questions by which the republic was agitated, and enforcing the execution of that judgment. *The first question of all*, replied one of the *representants*, *shall be to judge whether there was any foundation for your interposition itself* (c).

The time of the convocation of the general council was at hand. *Cromelin*, the indefatigable agent of the senate, assembled all the *negatives* that were in Paris, and engaged them to go to Geneva to accept of the project; but a far greater number of *representants*, settled in distant parts, came to reject it and share the common danger.

Citi-

(c) “These forty-two years I have been condemned to
 “die,” replied another citizen to *Hennin* who threatened him with death.

CHAP. Citizens were seen thronging from more than two
 XI. hundred leagues distance, to acquit themselves of
 that sacred duty, and save their country from
 subjection.

15th Dec. At length the awful day arrived, when the ge-
 1766. neral council was to decide of the liberty and fate
 of the republic. The old and infirm of the citizens
 would be carried to the assembly of the people;
 never had it been more numerous, never more
 deserving of the title of sovereign. The Swiss plen-
 ipotentiaries chose to assist at it, and placed
 themselves in such a manner as to be witnesses of
 the suffrages which were given aloud (*d*).

Whilst the citizens were assembled, the rest of
 the nation remained at the doors of the church,
 waiting with the utmost impatience the result of
 this day. The prayers of liberty were heard,
 the project was rejected by a majority of one
 thousand and ninety-five against five hundred
 and fifteen.

The citizens retired with becoming serenity:
 they waited to be in the midst of their families
 before they resigned themselves to joy, and ex-
 pressed

(*d*) The chevalier *de Beauteville* excused himself from
 assisting at it, on pretence of indisposition, but, in reality,
 for fear of the event; *Taules* attended, and his presence
 revived the remembrance of his threats. He had said to
 one of the commissaries: *If the plan is rejected, the republic*
goes to pot, and I don't care a I would not give a farthing,
said he to another person, to have the plan of reconciliation
accepted, but I'll bet two hundred guineas that it will; the
Genevese are too dastardly to reject it, they dare not.

pressed their thanks to God for a day which preserved their childrens liberty. But gloomy cares were soon to succeed the emotions of pleasure caused by the success of this patriotic act.

CHAP.
XI.

Scarce was the general council dissolved when the commissaries were summoned by the chevalier *de Beauteville*. This minister delivered to them a thundering declaration, in which, after having complained of their *imprudent, rash, indecent* and *seditionous* conduct, he denounced against them the king's indignation, and signified a prohibition against any species of merchandize being imported from or exported to France by them or any of the *representants* under penalty of seizure, and also forbidding them to enter the French dominions.

“ Go, said he, declare what I tell you to such
“ of your fellow-citizens as have been blind
“ enough to suffer themselves to be misled by
“ you. They will ask who involved them in
“ these misfortunes, tell them it was you, who
“ thought yourselves able to thwart the intentions
“ of his majesty and his allies, to overturn
“ a wise and prosperous government, the stability
“ and duration of which have been guaranteed
“ by him and two of the most powerful
“ cantons.”

Such were the consequences of that *entire liberty*, which was said to have been left to the citizens, to accept or reject the project!

Taules read the declaration to the commissaries in a tone expressive of the most violent wrath; he

CHAP.

XI.

he afterwards delivered it to them, telling them to quit the house. He even endeavoured to hinder them from speaking to the chevalier *de Beauteville*, who appeared to countenance with regret this scene of despotism. The commissaries replied that they did not acknowledge his authority in any shape, and that their business was with the minister of the king of France; at these words *Taules* rushed towards the door, declaring that he would call for help to have them arrested. The republic would have been destroyed through the indiscretion of that inconsiderate man, had not the chevalier *de Beauteville* sat up in his bed, and ordered *Hennin*, who was at his bedside, to restrain him.

A few days after the plenipotentiaries declared “ that they had orders to go to Soleure, to proceed in concert, and without delay, to determine the real meaning of the contested articles: things being moreover to remain *in statu quo*, until the final determination of the guaranteeing powers.” The French minister added “ that he took under the special protection of the king, such persons as were attached to government.” But the Swiss ministers took
 7th Jan. 1767. indiscriminately “ under the safeguard of their sovereigns, every order of the state.” After these declarations they all departed.

Here, by the retreat of the plenipotentiaries and the rejection of their project, concludes the history of their mediation: if the citizens have deserved to inspire any concern in the hearts of men of sensibility, that concern will be increased by their perseverance in the virtues they displayed. Here
 the

the task of the *representants* becomes still more arduous : but if they had not displayed resolution to the last, their first efforts, baffled by the event, would have been only a species of bravade, unworthy a free people, and the refusal of the project but a trial of false courage, that would have rendered them more contemptible than ready submission.

Despotic men, who abhor free government, you may undoubtedly pervert, you may annihilate the constitution of my country : but never shall you be able to efface from the annals of liberty the glorious spectacle exhibited by my countrymen, in an age of selfishness ! This single proof of patriotism will ever endear the name of citizen of Geneva to the real lovers of virtue.

END OF PART II.

THE
REVOLUTIONS
OF
GENEVA.

PART III.

THE UNIVERSITY OF CHICAGO

LIBRARY

1900

THE
REVOLUTIONS
OF
GENEVA.
PART III.

CHAPTER I.

*The public calamities—Severe trials of the citizens—
The representants are precluded from any commu-
nication with France—Commerce is prohibited—
The citizens constancy.*

ALL hope of peace was now more distant CHAP.
I.
than ever: the storms that clouded the prospect
had been gathering for the space of four years,
and the resistance of the citizens seemed to have
reached its utmost period. The senate therefore,
far from renouncing their purposes, thought on
the contrary that the decision would ensure them
a complete triumph. After having extorted from
the

CHAP. the guaranteeing powers a threat of its being issued,
 I. they at one time were in hopes that motives of honor would induce them not only to issue, but also to maintain it by force of arms; at another, they flattered themselves that the very apprehension of this declaration would make the *representants* demand of themselves the plan they had just rejected. To succeed in either of these views, it was necessary to have recourse to new measures to strike terror into the minds of the people: it was in pursuit of these measures that the *negatives* exerted all their policy at the beginning of the year 1767.

30th Dec.
 1766.

The French minister had departed declaring “that he shuddered for the injuries that might be sustained by each and every member of the government, as well in their persons as in their possessions.” This was declaring that extraordinary events were preparing; it was representing the citizens as vile, seditious men, capable of pillage, or, at least, of acts of violence (*a*). To cooperate with this view the principal *negatives* determined on quitting the city notwithstanding the excessive severity of the winter: they fled with precipitation, and with much bustle, from the presence of those who justly considered them as the authors of all their evils, and to whom
 their

(a) One of the Swiss ministers had said after the rejection of the project: *It is time for us to go, these people might take it into their heads to close the book of the law of nations.* A *bon mot*, which proves they knew the hatred they had incurred, and that they secretly favored the plan of the *negatives*, tho’ decency had constrained them to write to their superiors that they had condemned the emigrations.

their precipitate flight evidently announced a series of new calamities. Want will overtake them, said they to the other *negatives* whom they wished to bring along with them, we have reason to fear the despair into which they will be thrown by the acts of vengeance that France is about to exercise against them.

CHAP.
I.

These emigrations multiplied to such a pitch, that the council of twenty-five was reduced to thirteen senators, and the grand council to less than half its number. Justly alarmed at the consequences of such disorder, the citizens went to declare it to the four syndics, and summoned them to recall the absentees. *If our country is in danger*, said they, *every good citizen should remain in his station*. They made above all a solemn declaration of their love for order and the support of public tranquillity.

31st Dec.
1766.

Far from recalling the magistrates who had quitted the city, the senate had the presumption to justify their flight, and by that very justification succeeded in encreasing the public alarm. The *negatives* persisted in unfurnishing their houses and flying from Geneva, as from a city besieged and devoted to the most dreadful calamities. This new spectacle was really alarming; it was not that of Romans escaping from Gauls, it was that of citizens fleeing with precipitation from their fellow-citizens; and who, by this last step, widened irretrievably the breach between the two parties, and filled up the measure of the public calamities. “What is then the fate these fugitives prepare for us, said the *representants*? “Let them go under a foreign clime to shelter “them-

CHAP. " themselves from the forms they have brought
 I. " on their country! Let them flee! Let them
 " flee! They are no longer worthy to perish like
 " freemen (b)."

By this manœuvre, no less atrocious than impolitic, the *negatives* forfeited a second time all the advantages the circumstances afforded them; for nothing would have been more easy at that time, than to make the citizens purchase, by sacrifices, hopes of averting the thunderbolt which threatened their country; but the *negatives* would have nothing but by force, and, tho' the rejection of the project should have taught them who were the men they wanted to subdue, one would imagine that, through blindness too usual in civil dissensions, they had endeavoured to misconceive the character of their fellow-citizens. Many of them have since acknowledged it, and published a truth on which the friends to peace cannot too much insist, that the source of all the dissensions of the Genevese would have been removed, had not the magistrates affected to keep at such a distance from the people, that they never could be acquainted with them.

Infor-

(b) We shall see in the second volume that these very men, whom shame for such conduct should have induced to bury themselves in their retirement, rather than ever return to a city they had devoted to carnage, came back however boldly without the peoples indulging in the slightest murmur. We shall even see the citizens forget so far the injuries they had received from them as to raise many of them to the highest dignities of the state. Such are the people whom they have called jealous, vindictive, malevolent!

Information was received from Paris that some French troops were on their march to the frontiers of the republic, that is to say, to the gates of the city, and that all the *representants*, settled in France, had received orders to quit the country; the most alarming advices were at the same time received on the destination of these troops, and the punishment of the heads of the citizens was beginning to be more than ever talked of. (c) The citizens prudence did not abandon them on this

(c) We may judge what little moderation was observed in these menaces, from the following letter written by *Taules* from Soleure, on the 7th of January 1767, to commissary *D'Ivernois*. It will shew how greatly ministers are to be pitied for being forced to place their confidence in underlings who deceive them, and on whom however their reputation depends.

“ S I R,

“ What could inspire you with the thought of writing to the ambassador, after the declarations his excellency has made to the *representants*, and from amidst the desolation to which the criminal intrigues of their principal leaders have reduced the republic? How could you imagine he would answer you? How in fine have you been so blind as to presume to hope he would do you a service? I have sometimes spoken harshly to you, but I have never deceived you. If I still this day tell you disagreeable truths, they will at least be truths; and, whatever may be thought of me, I shall not have to reproach myself with not having plainly discovered to you the abyss into which you wanted to precipitate yourself for ever.

“ Undeceive yourself, Sir, if you flatter yourself with a hope that the king may recall the resolution he has taken to punish those who are known to be the authors of the disturbances, and who have at length wearied out his indulgence by their insolence; *his resentment must have*
 “ *victims.*

CHAP. I. this alarming intelligence: as they could neither confide in the senate, nor in the garrison which was commanded by that body, they thought it necessary to take precautions to avoid surprise; they

“ *victims*. It is not therefore in France that any of the guilty should think of seeking an asylum; *nothing would shelter them from punishment which awaits them*. The measures now taken by his majesty, which you are witness of, announce to you that his menaces will not be vain; and that, let the manner be what it will, he must have examples capable of striking terror into such as might be tempted to be wanting in the respect and gratitude due to him from the Genevese on so many accounts. I know not even whether his majesty will not soon demand the French refugees to be given up, since, by the laws of the land, they are considered as his subjects to the third generation, and if his majesty takes such a resolution, he will know how to have it enforced. *In short, I see nothing but misfortune for you, and the inevitable destruction of your fortunes and families.*

“ I shall repeat what I have often told you, and, in whatever light it may be considered, I shall sincerely tell you, I shall render you all the service in my power: but 'tis your business to see how you may deserve it. You may write to me, if you choose, I shall answer you; but I require of you that none of your fellow-citizens shall know that I have written to you. If you violate the engagement I suppose you at this moment take with me, I forewarn you that, whatever distinctions may be made, when the fatal moment is come, will be to your disadvantage.

“ Moreover, your letter has roused all the resentment of the ambassador. *I have endeavoured to appease him, and have presented him that very letter as a proof that you were the first imposed upon*. You would not undoubtedly have any thought of recurring to his protection, if you were one of the disaffected, and if you were not in an error, you would not be wanting in respect to him by claiming it.

“ I have

they determined to perform of themselves nightly CHAP. I.
patroles, which they continued during fourteen months with equal vigilance, patience and wisdom. Alarms continually arising, and the necessity of watching over the safety of the city themselves, rendered a great number of artists careless of their labour, and advanced the approaches of misery.

T 2

misery.

“ I have also remarked the word *Sir*, that you make use of in speaking to his excellency, whilst your republic allows him the title of *my lord*, which is his due as the king’s ambassador. Can it be possible you take that liberty, because of your own authority you have assumed the ridiculous title of commissary of your citizens ?”

Signed The Chevalier DE TAULES.

As this letter might give a wrong idea of the one addressed by *D'Ivernois* to the chevalier *de Beauteville*, it is proper to make it known: both are in the hands of advocate *D'Ivernois*, son to the commissary.

“ S I R,

“ Shall I presume to flatter myself, from what your excellency has often done me the honor to tell me, that you would do me service, and may I now claim the kindness that the M. of B. M. D. Mrs. D. and president S.’s lady have testified to me by writing to you in my favor? I might hope to join to it besides the recommendation of M. D. your excellency’s relation, to whom I have the honor to be allied.

“ The favor I take the liberty to request of your excellency, is only to inform me if I may with safety go to France, provided with a passport from Neuschâtel, as being originally from that town; and, if not, to be so kind as to procure me one. Accept of my ardent wishes for your excellency’s preservation, and the profound respect with which &c.

Geneva, January

6th 1767.

Signed,

F. H. D’IVERNOIS.

CHAP. I. misery. The *representants* provided against it by subscriptions to a considerable amount. Such as were oppressed by indigence had their necessities relieved by those whose circumstances were more prosperous (*d*).

Soon were they overwhelmed by the calamities with which they had been threatened. A body of troops was formed from the banks of the Isère to those of the Rhine: all communication between France and Geneva by Savoy and Switzerland was thereby cut off. The frontiers of the republic were occupied by other troops. Spite of alliances and sworn treaties, the passage between Bern and Geneva was stopt, and every species of connexion with France prohibited to such as were not on the side of government. Commerce was interrupted (*e*), and to enter with safety into the frontiers of France, it was necessary to procure passports from *Hennin* the resident, who executed with an appearance of the most lively regret, orders of his court which he himself had solicited. Notwithstanding his dissimulation, he often forgot himself so far as to say that *his master's dignity had been hurt by*
the

(*d*) J. J. Rousseau had sent orders from England to advance fourteen pounds sterling on his account.

(*e*) The comptroller of Languedoc permitted the Genevese who were at the fair of Beaucaire to collect in their bills, but forbade their selling any goods, ordered them to pack them up immediately and quit the province in forty-eight hours.

the rejection of the project, and that the time of repentance was at hand (f). CHAP. I.

Fortunately for the republic, *Charles Emanuel*, king of Sardinia, was too well acquainted with his interests and the advantages of Savoy, to join in the oppression of the citizens. He knew that Geneva was the only resource of that province, that the prosperity of the Genevese was the result of their liberty, and that liberty alone could keep up the population of their state. He knew that the defeat of the *representants* would be followed either by their death or flight; whereas that of the *negatives* could only cause an emigration of some rich families whose luxury was sapping the foundations of the population of Geneva and the prosperity of Savoy (g). His dominions remained open to all the Genevese without distinction, tho' he had been solicited to cooperate with the measures that had been taken, to subject the citizens

(f) He was often heard to repeat these words since the peace of 1768.

(g) This politic king was not mistaken in his calculation; since the edict of 1768, the population of the city has increased near a tenth. That is the true criterion of good laws. It can scarcely be conceived what has induced his successor to follow a line of conduct directly opposite, and to condemn to banishment a people on whom the existence of his own subjects depended. This *view of the revolutions of Geneva* was partly written with a design to point out to him his real interests, and to put him on his guard against the designs of the *negatives* and of France: he despised the prediction of an emigration when he might have prevented it, and now that it is taking place he deplores it.

CHAP. citizens to the will of a few ambitious favourers
 I. of aristocracy.

Mean-time the citizens were exposed to the severest trials; many of the *negatives* drew their lodgments out of the hands of the *representants* (*h*); several of the latter were ruined; their correspondences had been stopt in France; and in these severe orders were included even those who in the grand council had only spoken in favor of peace and of the citizens. The work-houses began to be deserted, public credit was at a stand, commerce exhausted, and its sources draining every day; all the calamities predicted by the partisans of aristocracy, raged at once with greater fury than even the hatred of the *negatives* seemed to have promised itself: but the love of liberty rose superior to so many calamities and trials, and the citizens did not even afford their enemies the satisfaction to hear them utter a complaint.

——“ Like patience on a monument
 “ Smiling at grief.”

If I am accused of having overcharged this picture, I shall be contented with appealing to that which was presented by the chevalier *de Beauteville*, in his letter of the 20th of February to Zurich and Bern. “ Undoubtedly his ma-
 “ jesty

(*h*) Upwards of six hundred thousand livres (about twenty-six thousand two hundred and fifty pounds sterling) were suddenly drawn out of the hands of the trading *representants*.

“ jesty laments the measures of severity which
 “ justice and the concern he takes in the fate of
 “ Geneva have forced him to adopt.” “ Huma-
 “ nity mourns” said this minister in his letter of
 the 27th of May 1767.

CHAP.
I.

It is true that *Hennin* appeared less affected at these scenes of desolation, for altho' he daily received from the different provinces of France in the vicinity of Geneva, remonstrances grounded on the loss they felt from the prohibition of commerce with the republic, far from giving notice of this to the court of his master, he excited the cantons to perseverance and wrote to them in the following terms. “ I think that you ought to
 “ consider this temporary constraint only as a
 “ necessary consequence of the measures the
 “ king has thought proper to adopt towards
 “ Geneva; measures, of which you well know
 “ the salutary intention (i).”

The chevalier *de Jeaucourt*, commander of the French troops, relying on the generosity of the duke *de Choiseul*, appeared to mitigate as much as was in his power the severity of the orders he
 was

(i) The chancery sent to the post-office of Lyons a list of the members of the council of two-hundred, with this strange note: *The members of the council of two-hundred whose names are marked with an asterisk, discovered an attachment to the representants.* The purpose of that note was to prevent letters from being brought to the persons to whom they were directed. The precaution was effectual. The *representants* were deprived of their letters many months; the post-office of Lyons suffered some loss, but we have been assured that the post-master made the *negatives* reimburse him in 1768.

CHAP. I. was charged with; but whilst this soldier, whilst foreigners compassionated the sufferings of a virtuous people, shall we declare it, and will it be credited? That amongst the men who had promoted these acts of oppression, there were some so basely degenerate, as to be voluntarily instrumental in enforcing them! There were Genevese to be found, who undertook to execute these measures, or to see that no lenity should be observed in the execution! (k) Why can I not blot this passage from the history of my country, from the

(k) We have seen that in order to enter with safety into the frontiers of France, it was necessary to be provided with a pass-port from the resident. A friend of Hennin's, named *Rieux*, remained in his house to point out the *representants*, and to prevent any favor from being granted to them through mistake.

The clergy having requested of the senate to use their interest to procure for the ministers of the country liberty and the necessary pass-ports, the senate resolved "that it was not proper for their body to interfere in any shape with obtaining pass-ports, that it was the business of each individual to procure them for himself." An answer the more perfidious, as, by express deliberation, they had just before given to the resident a list of the partisans they had amongst the *natives*, that pass-ports might be safely refused to all the rest. At the same time, that France might not relax in these measures, that is to say, that these measures, might not become burthenfome to that state, they had taken extraordinary precautions to prevent the French soldiers from deserting. But what particularly reflects eternal infamy on the senate, is the employment to which they made their partisans stoop. Some of them were commissioned to see that provisions should be exactly stopt on the frontiers. One of them, by name *Beaumont*, served himself as guide to the French soldiers to shew the cross roads, where transgressors were likely to be met with.

The

the annals of ambition? Why do the ignominious actors in these scenes of rage, force me this day, by preparing to exhibit them anew, to pull off the mask with which their conduct had been covered?

CHAP.

I.

The present generation has been witness of the facts I publish: let them contradict me if they can. The reader must have perceived in the first part of this work, what pains I took to palliate the faults of the senate, and the crimes they committed through lust of power. I may have calmly related the punishment of *Fatio* and *Le Maître*, the scenes of artifice exhibited in 1712, and the conspiracy of 1734; but at the sight of so many premeditated enormities, at seeing citizens

The senate remained unmoved amidst the spectacle of all the calamities they were accumulating on their fellow-citizens; they were only concerned at the loss of a trifling revenue, which the treasury suffered by the prohibition of commerce, and charged *Lullin de Chateaurvieux* to speak to his excellency on that subject. The latter replied on the 11th of August. "That his excellency was of opinion that, as to the prohibition of commerce, if it were hurtful to the treasury, it was impossible but that it must be also prejudicial to a certain number of *representants*. That it was consequently a restriction, until they should pay deference to the decision; that it must be continued, as long as constraint might be necessary, or they must acknowledge to the public, that they had seen this measure in a wrong light, and committed a gross fault; which for his part he was not absolutely convinced of."

Thus the most effectual consolation that the duke *de Choiseul* and the agent of the senate thought they could afford to this body, for the loss of the treasury, was that the cause of that loss must be prejudicial to a great number of their fellow-citizens. Readers, I am silent. . . . What more could I say?

CHAP. I. }
zens of Geneva seal the calamities of their country, and publicly become the base instruments of her misfortunes, I feel I can no longer contain the strong indignation that possesses me. My fellow-citizens bore these calamities with patience, and pardoned them with generosity, I know it, but my heart bleeds at tracing the dismal picture.

Neu patriæ validas in viscera vertite vires!

CHAP.

CHAPTER II.

The guaranteeing powers disagree about the objects to be contained in the decision—The citizens avail themselves of the slowness with which that work advances, to make their case known to foreign states.

SUCH were the calamities that befel the CHAP. II.
representants, from the day that the mediators retired to Soleure, declaring *that they were going to proceed to a determination of the real meaning of the contested articles of the edict of 1738.* This declaration was the death-wound to Geneva's independence; the citizens therefore, foreseeing with terror its fatal consequences, resolved to make new advances to the senate. They went in a body to conjure them to restore peace to the republic, and shewed themselves disposed to make every concession necessary to remove the obstacles that opposed it. What advantages might not the senate have taken of the citizens return to peace? But the blindness of that body still continued, they mistook this testimony of patriotism for an act of weakness, they haughtily repulsed the

22d Dec.
1766.

CHAP. II. the first proposals of peace, reproached the citizens with the rejection of the project of the guaranteeing powers, referred them invariably to the sovereign judgment preparing by these powers, and palliated their resistance by *the fear of alienating the mediators, or failing in the confidence due*, should they seek a return to peace by a reconciliation agreed on freely amongst the different orders of the state.

29th Dec.
1766.

But what opinion can we form of men who had the presumption publicly to colour their refusal by such a pretext, and to affect regret that they were prevented by the decision from endeavouring at an accommodation without foreign assistance, when we consider that these were the very men who had just before solicited the decision. If a doubt be entertained, it is sufficient to open the registers of the senate, it will there be seen that on the 15th of December 1766, they had resolved *to thank the plenipotentiaries, to pray them not to be discouraged, and to be pleased to continue their generous offices, by deciding on our dissensions in quality of guarantees*. On the same day they had resolved to write to the guaranteeing powers and to the duke *de Choiseul*, “ to describe
“ the necessity of the council’s having recourse
“ anew to the justice and *guarantee* of these powers.” From this exposition we may form a judgment of the intentions and above all of the candor of the senate.

This attempt of the citizens having been unsuccessful, and having only drawn on them some pleasantries of the *negatives*, encreased the hopes of the senate, and still more unmasked their

their obstinacy in their pretensions; the *representants* evidently saw that they would sooner or later be constrained to attack the validity of the right assumed by the guaranteeing powers to explain the laws of the general council, and they endeavoured to smoothe the difficulties of so dangerous a measure by some act fit to mitigate the wrath of the court of France, that is to say, by some species of preliminary justification. But how should they succeed in that measure without accusing their magistrates whom they still wished to be tender of, in hopes of an honorable accommodation?

CHAP.
II.

In this embarrassing situation, they thought they discerned an invitation from *Hennin*, to make known their condition to the king through the channel of his interest; they presented him a petition, in which they conjured him to represent them to the duke *de Choiseul* as *unfortunate citizens*, and to assist them to recover his majesty's good graces.

30th Jan.
1767.

Such a measure could scarcely be effectual without the interposition of the senate: the citizens presented this petition to that body, requesting they would address it to their excellencies of Zurich and Bern, and solicit their intercession with the court of France. The senate, not having it in their power to refuse the first part of the request, were contented with sending it to the two cantons, adding, *that they thought they should refrain from making any reflexion, relying with entire confidence on their consummate wisdom*. Their excellencies, who began to see into the real causes of the disturbances of Geneva,

CHAP.

II.

7th Feb.

1767.

12th Feb.

1767.

neva, interceded with the duke in favor of the citizens; but the court paid no attention either to the petition, or to the intercession of the cantons: the duke *de Choiseul* even greatly condemned the resident for "having received from the commissaries a piece, the essential fault of which was, said the duke, its expressing nothing, and in which the citizens had the presumption to avail themselves of a testimony so false as that of their conscience to attest their innocence. *Which is in other words*, added the minister, "*taxing us with injustice.*" He forbade the resident to receive any thing from them, and the latter, who had involved the citizens in a measure, of which from every circumstance we may be convinced he foresaw the consequences, failed not to communicate to them an extract of these melancholy dispatches.

22d Feb.

1767.

An answer nearly similar was received from the minister by the Swifs; he declared, that the king's just indignation could not be suspended by such a writing, that it was *rather a defence of the citizens, than a confession of their fault, and that his majesty could not comply with their recommendation.* (a) Thus the prohibition of commerce was not removed.

It

(a) "Doubt not, my lords, said he in his letter, that the principal *representants* would abuse this new concession to nurture the people in their illusion, and to perpetuate their sway over weak and prejudiced citizens, whom they have succeeded in making subservient to all their wishes, by the most odious and criminal proceedings.

" Exa-

It is easy to perceive that the duke was still persuaded that the citizens would be subdued by terror, and induced to separate their cause from that of the commissaries; but he was deceived with regard to both. The title of demagogues bestowed on the latter, the secret and ambitious views they were charged with, the vexations with which pains were taken to overwhelm them, and above all the imminent dangers they were threatened with, the continual oppression suffered by the *representants* in France; the embargo on the importation of provisions, and the successive decline of arts and commerce, raised the general union to the highest pitch, and rendered the senate still more odious.

At this unexpected sight, some of the most moderate of the *negatives* began to speak of peace; but their chiefs easily forced them to silence by reproaching them with imprudence and cowardice: the senate in like manner accused them

“ Examine the whole tenor of their conduct since the beginning of the disturbances to the present moment, you will uniformly discover dishonesty, contempt for the laws, forgetfulness of every duty, the spirit of pride, ambition and licentiousness, jealousy, hatred to magistracy and authority, selfish and pernicious views concealed under the mask of patriotism; you will see that it is not for liberty that the *representants* dispute so long, it is to procure authority for their leaders, and you will surely be sensible that it is not by indulgence and gentle means that we can expect to correct vices so incompatible with order and safety of government.”

This letter is a proof that at every period the defenders of the people have been exposed to the same charge of being ungrateful, ambitious demagogues. Experience has fully justified the commissaries of 1766. None of them endeavoured to gain admission into the senate.

CHAP. them of timidity, uniformly rejected the idea of
 II. appointing regular conferences between both parties to endeavour at an accommodation, and persisted in leaving it to the decision of the guaranteeing powers.

This decision, said public report, was to deprive the general council of the *line of new-election*, and to secure to the senate, in the greatest extent, the *negative right*; possessed of which, they might let drop all the other grievances of the citizens. As the *negatives* would have it, this sovereign judgment of the guaranteeing powers, signed and published with splendor by their ministers, was to be a law of the republic, and to be put in execution, under penalty to such as would oppose it, of being punished as disturbers of the public tranquillity.

Such was the only idea that could be formed of that act, after the letter that the duke de Choiseul had addressed to the cantons, on the 10th of November 1766: he expressed in that letter a foresight of the *possibility of the new regulation's being rejected*, and anticipated the invitation to the cantons not only *to agree amongst themselves on the judgment they were to pronounce as guarantees*, but even to send a body of troops, to prevent that judgment from meeting with opposition. The duke had even proposed to them in express terms to make the twenty-four commissaries agree to the decision *by will or by force*. One would almost mistake this part of the history of Geneva for the registers of the Bastile.

The

C H A P.
II.

The cantons, at length alarmed at this stile of authority, were determined on observing more circumspection in their proceedings. It was soon known that their ministers had dissolved the conferences at Soleure, because the chevalier *de Beauteville* required of them acts that were not even mentioned in their instructions, and that would have made their sovereigns subservient to the resentment of the *negatives* against the citizens. The serious turn the affairs of Geneva were taking, made every senator of the two cantons determine on carefully investigating the causes of her dissensions, and this late examination made them regret many of their proceedings, in particular their precipitate adhesion to agreeing to the guarantee.

But their ministers had involved them in this decision, it was too late to revoke their promise; the only medium left for the Swiss was to alleviate the wound they were going to inflict on the liberty of the Genevese. Struck with the inconveniences that might attend the *negative right* in the hands of the senate, they addressed a memorial to the court of France, representing the necessity of tempering its abuses; and, for that purpose, stipulating in a clear and uniform manner the right that the citizens should possess of appealing to the guaranteeing powers, when aggrieved; since, without a liberty of making such appeal, said the cantons, the promise of the guarantee would be ineffectual to every other order but the senate, which would alone be possessed of the means of summoning it.

CHAP. II. Tho' this project rendered the republic subject to foreign judges, it announced at least impartial views; and it may easily be conceived that it must be displeasing to the senate, because whilst it seemed to adjudge the negative right to their body, it at the same time divested them of that right, by affording the party aggrieved an appeal to the tribunal of the guarantee, before which the executive body would have been forced to appear as defendant.

Fortunately the interest of the republic was connected in this point with that of the negatives; who successfully pleaded their cause at the court of France. The duke *de Choiseul* answered the cantons, that no definition could be given of the guarantee, or any practical rules for appeal to it established, without wounding the sovereignty of Geneva, and running a risk of rendering its government entirely popular, by the apprehensions the senate would entertain of seeing the most nugatory controversy laid before a foreign tribunal. "Appeal to the guarantee being reserved for cases of extremity, said the duke, access to it should neither be entirely obstructed nor facilitated (*b*)."

This

(*b*) "Unless it be wished, said he in his letter, to subject the republic to a foreign yoke, it ought to have within itself a judge of the representations that may be addressed to its administration.

"If the guarantee could be exercised on every occasion, the independence of the state that should admit it, would be but an empty name, or rather no person in such a state could dare pronounce the name of independence. Such a state would cease being a republic . . . and would continually experience the double misfortune of agitation and dependence."

This answer of the duke was accompanied with a letter, in which he still insisted on the decision being preceded by examples made in the persons of the commissaries, and capable of striking terror into such as might in future be tempted to imitate them. The citizens and their defenders were represented in that letter in a light that caused in them the deepest affliction. They imagined they discovered in these two pieces the stile and animosity of *Cromelin*: (c) their publication was near causing dissension among the citizens: some would have them answered, lest silence should be taken for an acknowledgment of the truth of the accusations they contained, but the more prudent part persuaded the generality to observe silence.

Mean-while, the time that was lost in the negotiations of the cantons, furnished the citizens with an opportunity to acquaint Europe with their rights, the misfortunes they suffered, and those they were threatened with. The friends to well-regulated liberty were interested in their fa-

U 2

vor

(c) He wrote to the senate on the 8th of June that the duke had just answered *all the subtleties* of the cantons. Being one day at dinner at the house of Mr. *de Jeaucourt*, one of the authors of the *Encyclopedia*, he said, "that he hoped to see the twenty-four commissaries brought to Paris fettered and manacled, and that he would go with pleasure to the gallows to see them hanged."

It is said that Mr. *de Jeaucourt* left the table, unable to contain his indignation. In effect do not such anecdotes tempt us to imagine ourselves transported back to the times of the religious wars, and to the council of sixteen, by which the league of Paris was directed soon after the massacre in the days of Henry III.

CHAP. vor by the excellent defence they made. Most
 II. of the enlightened French could not conceive
 what such mighty interest their court could have
 in subjecting the citizens of Geneva to the tyrannic aristocracy of some privileged families.

“ Will not France at length acknowledge, said they, “ that it is within herself, on her industry at home, not on her intrigues abroad, “ she should erect the edifice of lasting greatness? Can our ministry be still so blind as not “ to see they are sported with by a few ambitious men, who after having deservedly forfeited the esteem of their fellow-citizens, now “ seek an authority that may render them independent of that esteem? We are too much “ unacquainted with republican spirit to be able “ to judge of the dissensions of the Genevese; “ the true means to terminate them, is to avoid “ interference; never would they have arisen, “ had not some designing men hoped to meet at “ the royal courts support for their pretensions.

“ The only circumstance that should interest “ us with regard to Geneva, is her prosperity, “ of which we reap the fruit: but her prosperity was the result of her liberty; liberty alone “ gave birth to her commerce, liberty alone “ can maintain it. And besides, what crime “ has been committed by these citizens, on “ whom so many misfortunes are accumulated? “ Is it a crime for men, born to freedom, to “ assert their rights, and to refuse having laws “ dictated to them, or being governed by magistrates disagreeable to the nation? Can our “ sovereigns imagine in this age of philosophy, “ that their honor consists in grasping the thunder “

“ der in their hands, and annihilating a people to
“ whom their weakness and virtues should insure
“ protection? No; the burning of the Palati-
“ nate, even in the midst of a murderous war,
“ sullied the glory of the great *Louvois*: the
“ wanton massacre of the citizens of Geneva
“ would be an eternal stain on the memory of
“ the man who would issue orders for that dread-
“ ful purpose, and an everlasting reproach to the
“ French soldiery who would be so base as to put
“ them in execution.”

C H A P.
II.

C H A P.

CHAPTER III.

Of the condition of the natives—The part they acted in the divisions of 1766—Proceedings of the 5th of January 1767.

CHAP. **I** FIND it necessary to interrupt the thread
 III. of my narration, to give an account of the part
 the natives acted in these long dissensions, and
 of the advantage the senate endeavoured to take
 of them in support of the decision they expected.
 However misplaced this trifling digression may
 appear, it is absolutely necessary for understand-
 ing the last parts of this history.

The *natives*, as we have seen before (*a*), are the sons or descendants of aliens, received into the bosom of the state, under the title of *inhabitants*. It is evident that a state like Geneva, destitute of territory to fill up the vacuum in its population, could not have kept up the number of its inhabitants without the assistance of a continual

(*a*) See note (*b*) pages five and six of the first part.

tinual introduction of foreigners: but it is also evident that it would have been dangerous to introduce indiscriminately all these new-comers into the legislative body, and that distinction of rank was more necessary in Geneva than elsewhere.

Unfortunately this distinction was too decisive in Geneva; the *natives* were not only excluded from a share in political privileges, but they were even far from participating in the rights of commerce enjoyed by the citizens. The immense distance the edict of 1738 had let (*b*) subsist between the citizens and the *natives* had often extorted murmurs from the latter; these murmurs were encreased by the further restrictions government laid on the few privileges that edict had left them, and by the admission to freedom being raised to so exorbitant a price, that it nearly amounted to exclusion. Thence it resulted, contrary to the intention of the primitive constitution, that in 1763, the class of *natives* and *inhabitants* was nearly as numerous as that of the citizens and burghers, and that the precarious condition of the former must naturally inspire them

(*b*) By the edict of 1738 they had been admitted to all sorts of trades, but not to the liberal professions, such as physic, surgery &c. They were not admitted to be wardens of their corporation, or even subaltern officers in the corps of militia. They were not allowed to enjoy the right of commerce, or to participate in the privileges of the citizens with regard to the execution of sentences, imprisonment, warrants, carcelage, and the payment of fines of alienation. Such of their children as were born out of the city were considered as aliens, and obliged to purchase anew the right of inhabiting the country of their fathers.

CHAP. them with a spirit of restlessness and discontent,
 III. extremely dangerous to the tranquillity of the re-
 public.

Altho' far inferior to the citizens in point of fortune and knowledge, the competence introduced amongst the majority of that class by the watch-making art, since the edict of 1738, had enabled them to study the interests of their order: the mighty word *political equality*, which they had long heard echoed on every side, made the enjoyment of that advantage the more necessary to them. The imprudence with which some few citizens made them feel their inferiority inspired them with a natural desire to put an end to these humiliating distinctions, and to procure easy access to freedom.

At the beginning of the disturbances of the year 1763, they therefore made known their wants and wishes, but at the same time the majority were sensible of the necessity of joining the party of the representants, which they considered as the party of the poor against the rich, the weak against the powerful, the oppressed against the oppressor, and above all as the party of their country and republican manners. They vowed to defend the common cause, and to bear up with constancy against all the trials occasioned by the prohibition of commerce. Touched at this generous resolution to devote themselves for their country, the citizens promised to have their happiness in view, and to share with them the fruits of success, if they had an influence in the accommodation.

How-

However, at the beginning of the troubles, there had been also formed amongst them a third party, inconsiderable in number, composed of natives, who, fearing to pass for the blind tools of the representants, resolved to stand alone and to act only for themselves; they presented to the mediators a declaration of their grievances, which, tho' it merited discussion, was rejected with contempt. When the plenipotentiaries declared that they could not interpose in their affairs, the chevalier *de Beauteville* went so far as to tell them that *altho' they were in the state, they were not members of the state, and did not compose any order of it.* A harsh and unseasonable observation, but truly descriptive of the situation of the natives.

This mortifying contempt made the natives throw aside the part of suppliants, and assume that of enthusiasts; the desire so natural to man to extend his existence by encreasing his rights, persuaded some of them that their forefathers had once assisted in the general council, and made them aspire to be all acknowledged as members of the legislative body; an extravagant pretension, equally disapproved of by both parties, and prejudicial to the republic. *Voltaire* was courted by those who started it; their infant party was the one, it seems, he cherished most: and in that his conduct does not appear to us to merit censure, the precarious condition of the natives deserved to inspire the friends of humanity with concern; we should rather be inclined to condemn him for having unseasonably concealed that

CHAP. that concern, and above all for having disavowed
 III. it (c).

Their pretension was declared *seditious* and *criminal* by the senate, who far from wishing to encrease the number of the general council, endeavoured on the contrary to circumscribe it. It was in like manner rejected by the guaranteeing powers, whose ministers had been so prepossessed with the idea that fear alone would induce the citizens to ratify their project, that they had entirely neglected the natives. When this project had been rejected, and that this rejection, which was effected by the representants, had gained them over the generality of the natives fresh motives of attachment, the senate began to lament the fault they had committed in neglecting the natives in expectation of the decision. They could have wished to be able to make it be respectfully received by the citizens, by intimidating them with the double fear of force at home and menaces from abroad: they could have wished also to have it in their power to represent to foreign states, in justification of that

(c) Four of the natives acknowledged to *Taules* that *Voltaire* was the author of the petition they had presented to the mediators. *Taules* went to the philosopher of Ferney to inform him how sensibly the plenipotentiaries had been wounded by his conduct, and that if he continued to meddle with the affairs of Geneva, the duke *de Choiseul* should be made acquainted with it. *Voltaire* acknowledged the whole, *appeared abashed*, as *Taules* said, gave up the memorials he had from the natives, and confessed that all the papers were deposited in the hands of one named *Auzere*. This anecdote is extracted from the registers of the council, of the 30th of April 1766.

that act, that the majority of the Genevese acknowledged the mildness and wisdom of their administration. But, in order to succeed, it was necessary to gain over the natives: and tho' the senate had entirely lost their affections, they did not hesitate to endeavour to gain them, for it was the misfortune of that body never to resolve on prudent measures until it was too late to embrace them.

They no longer dared to put in practise open seduction and base corruption, as in 1707, and 1734, but they grounded their hopes on the private discontent of the natives, and began to flatter underhand their pretensions in order to turn them against the representants; they even went so far as to threaten them with involving them too in the vengeance of France (*d*) In a word, every art was tried to induce the majority of the natives to some submissive measure in favor of government; but no more than two-hundred and sixty eight could be found to consent to their desire, and even they did not express what it was wished they would. (*e*)

5th Jan.
1767.

This

(*d*) Some, in order to draw themselves from under the cloud which threatened the citizens, after the rejection of the project, addressed to the plenipotentiaries a discourse, in which they sought not to offend either party, but which proved offensive to both. However the chevalier de Beauteville received them graciously on that occasion, and gave them hopes, that if they were numerous, they might save government from the violence of the citizens, and the state from the fatal consequences of the indignation of France.

(*e*) " Those who govern, said they, will never find us
" ungrateful; those who are governed will never find
" us

CHAP. This undertaking of stirring up the natives
 III. was attempted in several manners: the same
 } intrigues were practised on the *subjects* of the
 republic; (*f*) and, spite of the edict of 1707,
 the inhabitants of the villages of Peney and
 Satigny were solicited to sign a declaration con-
 cluding by assurances of attachment and respect
 for magistracy. All these efforts were baffled,
 and only served to attach the more to the citi-
 zens the majority of the natives and inhabitants,
 to raise the pretensions of the latter class, and
 to prove the better that nearly the whole body
 of the nation had united with the representants
 in the bonds of friendship, general confraternity,
 and common interest which they well under-
 stood.

Such was the first proceeding in which the
 natives acted in a body. It is of the highest
 importance to observe here that it was solicited
 and

“ us their enemies.” Among those who presented that
 piece were about an hundred natives. The rest were
 composed of *inhabitants*, journeymen carpenters, ma-
 sons and other workmen dependent on the rich. Those
 who lent their names, bartered for passports the esteem
 and friendship of the citizens which they forfeited by that
 act of imprudence.

(*f*) The subjects of the republic are the peasants of the
 little territory which surrounds the city. They are born
 there, live there, and cultivate it: they do not partici-
 pate in the rights of the citizens without purchasing
 their freedom, and cannot even dwell in the city without
 paying for that privilege. This class had therefore been
 still more neglected than the natives, but their living in
 the country had made them less sensible to it.

and even received in a favorable manner by administration. If the natives are since seen to act an important part in the dissensions of Geneva, and in a body start considerable pretensions, such has been its origin; and we may judge by what we have seen whether the citizens or the councils should be answerable for the fatal consequences.

CHAP.

III.

C H A P.

CHAPTER IV.

The senate persist in wanting to subject the citizens to the decision.—The representants in vain endeavour to dissuade them from their fatal resolution—The remonstrance of the 16th of October 1767—Necker's arrival in Geneva.

CHAP. IV. **A**LTHOUGH the senate had been unsuccessful in their efforts with the natives, they did not abate the hopes they had conceived on the decision, to which they had sacrificed every thing. Fortunately the prudent slowness with which the Swiss proceeded in that work, gave time to different courts of Europe to inform themselves of the affairs of Geneva, and to discover the concern they took in her fate. The independence of a city, ever considered as the metropolis of the protestant religion, and as the key of the Helvetic body, could not but be an interesting object to the protestant powers. Now, that independence would have been but an empty name, if the rights of the general council had been perverted, and if France had deprived Geneva of the power of enacting her own laws. Such a measure would have erased that small republic from the
number

number of sovereign states, and rendered it, in reality, a province subject to France; for if the partisans of aristocracy had received from that court the preponderance they had long been wishing for, how could they have afterwards refused any thing to those to whom they would have been indebted for it? Under the modest title of *Resident*, Geneva would have received a real French governor, whose will would have ever been blindly followed by the administering bodies; the necessary consequences of such a revolution would have been hidden slavery and visible decay.

CHAP.
IV.

Therefore, altho' the British ministry had refused to take a share in the mediation, they could not behold with an eye of indifference the threatening preparations making against the Genevese, and the French troops by which their frontiers were surrounded; they at length manifested to the Count *de Guerchi*, the French ambassador at London, the concern the cabinet of St. James's took in the support of the constitution of Geneva (*a*); and lord Rochfort was even commissioned

(*a*) Lord *Abingdon* was in Geneva in 1766, and availed himself of his stay there to acquire a perfect knowledge of the constitution of the republic, and the source of her dissensions. This English nobleman, who notwithstanding his youth, was possessed of extensive knowledge, took a warm concern in the cause of the citizens. On the departure of the mediators, he dispatched his valet-de-chambre with letters to lord *Chatham*, to whom he strongly recommended the republic: unfortunately, the *negatives* having perceived this expedition, the courier was stopped at four leagues from Geneva, and stripped of his dispatches which

CHAP. commissioned to speak on that subject to the
 IV. French king. We are assured that *Frederick* the Great (*b*), and the Empress of Russia also interposed to put a period to the long calamities of the representants. Such powerful protection obliged the duke *de Choiseul* to study better the affairs of Geneva, and to adopt more moderate measures. Whether this minister began already to distrust *Cromelin*, or that lassitude alone made him lay less stress on the execution of a project which met with so many obstacles, or also (what is most probable) that the duke at length perceived his glory was concerned in not abusing his power to oppress a weak and unhappy people, he not only no longer insisted on the punishment of the commissaries, but

which were given up to the chevalier *de Beauteville*. Lord *Abingdon*'s letter to lord *Chatham* was simple and affecting; it contained a succinct account of the divisions of Geneva, of the emigration of the magistrates, their views, the menaces of France, the distress of the citizens, and the magnanimity with which they saw the approach of danger. He declared to the minister the resolution he had taken to share the danger with them, and sent him his will, requesting he would open it, in case he fell with so many virtuous men. The citizens of Geneva will never forget the generous concern their misfortunes and virtues inspired in this young stranger.

(*b*) It is said that the king of Prussia wrote to the duke *de Choiseul*: "I advise you not to intermeddle so much with the affairs of Geneva, and not at all with those of Neuchâtel."

but even insinuated to the senate his desire that that body should solicit their pardon (c). CHAP.
IV.

Imagination cannot form an idea of the consternation of the principal negatives at this intelligence; they were thunderstruck at the news. In vain did *Cromelin* seek to tranquillise them, they plainly perceived that this insinuation of the minister announced a great coolness on his side; then, and not till then, they began to conceive that foreign support is but a precarious resource to the magistrates of a free people, and that the only solid ground-work of their authority is public confidence.

The senate then determined to request of their excellencies of Zurich and Bern, *to forget the past*, and to cooperate with them to obtain for the citizens the same favor from his majesty (d). This tardy resolution lost all its merit

X

with

(c) This insinuation cannot be proved by any authentic evidence; but we here appeal with confidence to the principal negatives of that time, and in particular to *Tronchin* and *Turretini*. 'Tis from the latter we have had this anecdote, and he was alive at the time that we appealed to his testimony.

(d) In consequence of this determination, the senate wrote to the duke *de Choiseul* and the chevalier *de Beauville*, requesting they would employ their good offices with his majesty *to obtain pardon for the representants and their chiefs*. The chevalier answered, that *the king, too great to be irritated against the representants, had considered in their ingratitude nothing but their blindness*. At length the duke *de Choiseul* declared to the senate on the 27th of June, that, through regard for the senate, he desisted from

CHAP.
IV.

with the citizens, not that they harboured a suspicion of its having been insinuated by the court of France, but because it was evident that it arose from the inability of the senate to gratify their revenge, that is to say from the refusal of the Swiss, and particularly because the false generosity of that resolution was represented in the colours of exaggeration. Besides the embargo on commerce and on the importation of provisions was still continued with rigor, and that measure, said the principal negatives, was a prelude to the decision; for the less certainty they had of it, the more they endeavoured to persuade the citizens, that the court of France would not, on any account, depart from its resolution to pronounce a sovereign decision on the dissensions of Geneva, and to enforce the execution of that decision. From their representation one would have imagined, that the preservation of the empire of France was connected with their victory, and that Geneva was a focus of seditious principles, on the extinction of which the tranquillity of the universe depended.

The citizens, previous to their demonstrating to the guaranteeing powers the invalidity of the judgment these powers were preparing, represented to the senate, that the influence of a decision

from punishing the chiefs of the representants. "Sirs, said he, I rather wish than hope, that the representants, penetrated with gratitude at your consenting to forget their injustice, may assume sentiments more conformable with what they owe you."

C H A P.
IV.19th May,
1767.

cision could never extend to hearts, that the republic ought to owe peace only to herself, and that no measure, except a domestic accommodation freely consented to, could restore her lustre. "Magnificent lords," said they, "in the name of our sinking country, in the name of the god of peace, reject not our invitations, and do not suspect us of immoderate pretensions. The divisions of Geneva are family divisions. Let us endeavour to yield to the emotions of our hearts, and not despair, since our virtue still remains."

The citizens abilities seemed to have encreased with the dangers they had been exposed to, their new writings left no more to be wished for; the memorial in defence of their conduct by which their address to the senate was accompanied, united dignity and resolution with respect; it was written in a style becoming a weak people, but a people penetrated with the purest sentiment of liberty, and that enthusiastic ardor which its defence requires: but far from being animated by this ardor to desire an entire victory, they declared, whilst they alledged their rights, that, to facilitate an honourable peace, they were ready to accept an equivalent for the right of refusing to elect, the sacrifice of which was the principal object of the wishes of administration.

This proposal for exchanging the line of new election had caused an excessive ferment in the clubs of the citizens. On the reading the me-

CHAP.
IV.

memorial, it was at first rejected: the commissaries even saw the moment when the common cause was about to be destroyed by the division of the representants, a certain number of whom refused to consent to any measure that could appear to have been dictated by fear. Injustice, misfortune and danger had inflamed the passions of several, and, in that species of patriotic fever, some of the citizens went so far as to accuse their defenders of pusillanimity, and fear of endangering their persons.

It is easy to conceive the joy of the negatives at this moment of division: it was perhaps their premature triumph that served as an instruction to the citizens; the commissaries at length succeeded in uniting every vote, and, after much labour, the memorial was agreed to and presented by the generality.

The answer of the senate was to decide of their country's fate. The representants, the numerous class of natives, and even many of the negatives demanded peace; every eye was turned to some of the senators whose pacific intentions were known.

The syndic *Fatio* was inclined to an accommodation; he was seconded by senator *Turrettini*, and, from the distinguished abilities of the latter, the most sanguine hopes were entertained with regard to the success of that important negotiation. They spoke with energy in the senate: "What a race we have run," said they, "since
" our refusal to grant to the citizens that the
" acts

“ acts they complained of should never more
 “ be quoted as precedents in future !. Can you
 “ hope, my lords, to resist any longer the en-
 “ tire body of the nation, the opinion of
 “ the public, the wishes of foreigners, and the
 “ sight of your country on the brink of the
 “ precipice ? Whether the citizens be conduct-
 “ ed by themselves or by their chiefs, it must
 “ be acknowledged that our opponents are more
 “ than ordinary men ; it must be acknowledged
 “ that if the rights they claim are not their
 “ lawful due, they are at least worthy to enjoy
 “ them, and that a sense of them will never be
 “ eradicated from their minds.

“ If we cannot, if we ought not to govern but
 “ by confidence, let us not lose a moment,
 “ but be reconciled to the representants ; vainly
 “ are we flattered with the idea of a decision ;
 “ to make it fill up the vacuum left in our laws,
 “ the acquiescence of the general council will
 “ ever be necessary, and that acquiescence will
 “ never be obtained by such a work. It is
 “ true they speak of an armed guarantee ; but
 “ what support will that be to republicans ? If
 “ the reign of terror can exist at all, will its
 “ existence be long ? And who are the men it
 “ will give us to govern ?

“ Already we have twice let slip the favour-
 “ able opportunity. We still have it in our
 “ power to dictate a peace to citizens who de-
 “ mand it as a favor, and who can scarcely
 “ any longer do without it ; but tomorrow
 “ perhaps it will be too late, we must then pur-
 “ chase

CHAP. "chafe it by sacrifices to which we shall have
 IV. "forced ourselves, and that our procrastination
 "will have served to multiply."

This measure was seconded by the attorney general *Tronchin*, who having seen the whole project of the mediation sink at once into nought, foresaw already the same fate for that of the decision, and wished at least to avail himself of the apprehensions which the distant prospect of it inspired in the citizens, to lead the senate away from the thorny path in which he had involved them. But 'tis then that magistrate should have felt the truth of this wise maxim of the most politic party chief that ever existed; that in civil dissensions it is sometimes more difficult to direct one's own party, than to act against the opposite one (*e*). The negatives were deaf to his wise counsels, and resigned themselves again to the delusive hopes they received from *Cromelin*, that the cabinet of Versailles would persevere in its intentions: the senate had therefore recourse to the same pretext they had already alledged to repulse the citizens, they again pretended a fear of displeasing the guarantees by restoring peace to the republic, without their interposition: they declared, that *the only road to safety was to wait for their decision, and in that decision to respect their power and impartiality*: they even refused to send to the plenipotentiaries the memorial in which their decision was declined, adding *that the citizens would*

May 25,
1767.

(*e*) Memoirs of the cardinal de Retz.

would one day thank them for having refused an CHAP.
IV.
act of complaisance that could only contribute to their ruin.

The apprehension of displeasing the guaranteeing powers seeming to be the only motive of the senate's refusal, the citizens endeavoured to undeceive them, and made a new attempt to persuade them that these benevolent powers could only wish for the advantage of the republic, and that if the senate testified to these powers a desire of reconciliation, they would undoubtedly concur in every measure that could render it solid and permanent. This was the third attempt the citizens had made since the rejection of the project; it was as fruitless as the rest: the senate let slip this further opportunity of coming to an advantageous settlement with the citizens, and persevered in requiring their submission to the decision of the guaranteeing powers. "Their decision, replied they, is the speediest and most efficacious means to restore
"and insure tranquillity."

1767.
June 6.

June 13.

This body however could no longer be ignorant how greatly the negotiation they refused was wished for, in particular by the Swiss: for they had been made acquainted with a letter from the mediator *Heidegger*, wherein he openly offered his advice to such of the Genevese as were inclined to endeavour at an accommodation without foreign assistance. It was no less wished for by the duke *de Choiseul*, altho' his first proceedings forced him to silence; nevertheless touched by the obstinacy of the magistrates,
ever

CHAP. ever attached to their principles, but fearing at
 IV. length his inability to establish their authority
 27th June by a decision, he himself invited them to avail
 1767. themselves of the circumstances, by declaring,
*that he would not be any constraint on their entering
 into an accommodation with the representants, pro-
 vided his majesty's guarantee were not requir-
 ed.*

Deplorable blindness of the insatiable lust of power! The senate refused to comply with this wise invitation! Will it be credited? They defended themselves against the idea that had been hinted to the court, of their desiring to effect a domestic accommodation with their countrymen, as if it were a criminal charge, (*f*) and determined to write to the duke that they had never even thought of it.

The

(*f*) This fact, which was carefully concealed from the representants, and unknown till this day, deserves to be authenticated: it is in the registers of the senate it is “consigned. “On the 27th of June 1767. *Hennin* imparted to *Turrettini* the dispatch accompanying the duke *de Choiseul*’s letter to the council, by which he is “commissioned, on delivering it to the first syndic, to “tell him that the court has heretofore insisted on the “decision to be pronounced by the guarantee, only from “a persuasion that such decision was wished for by the “council; but that, as the court has now reason to “suppose, from what *Cromelin* has said, that the council has “thoughts of coming to an accommodation with the re- “presentants, they shall not be constrained in that parti- “cular; that they may do whatever they judge proper, “taking notice that his majesty will not guarantee it.”

In

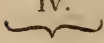
The friends of the citizens in the councils of Zurich and Bern had exhausted their utmost influence in endeavouring to prevent or retard a *decision* being resolved on. New delays were now impossible and unnecessary, as the senate was determined not to turn them to advantage: therefore after long and warm contests on the contexture

In consequence of this declaration, the senate immediately commissioned one of their members to return to the resident to declare to him, "that the council knew not what *Cromelin* could have said that gave reason to imagine, that the council was inclined to an accommodation; that there is reason to think there was some misconception, that they still persevere in their answers on that head.

"Resolved at the same time, that a letter be written to *Cromelin* to demand of him a speedy explanation on the subject, and to inform him that *the council never thought of an accommodation with the representants*; that they constantly persevere in the answers they have given the *representants*, and that he must remove every doubt on that head: *the wish of the council being to refer it to the decision of the guaranteeing powers, and to solicit that decision as the most efficacious means to put a period to our unhappy dissensions.*"

The chevalier having appeared to entertain the same idea as the minister, the senate's opinion was "that in such circumstances silence could not be observed; that it was wise to destroy a prejudice so contrary to truth, and to their constant intentions."

In consequence, the council determined on the 17th of July 1767 to write to the duke de Choiseul, to assure him that they never had thoughts of an accommodation with the representants; that they had ever been convinced that a domestic accommodation could only end in perverting the constitution. At the same time they commissioned *Cromelin*, and colonel Lullin de Chateauvieux who was at Paris, to speak to his excellency

CHAP. IV.  on the impossibility of preventing it any longer, and appeared ready at length to settle with the court about the objects it was to contain. At this melancholy news, the citizens at length determined on formally declining the right of deciding, assumed by the guaranteeing powers, and prepared an address to these powers themselves, in which they advanced in an exulting manner, that until then no single charge could be made against them, and *that as long as the citizens had not caused any obstruction in the execution of the guaranteed laws*, the interposition of the powers

Aug. 20,
1767.

cellency on the necessity of a decision, and to express the wishes of the council that the decision should be published in the city, in presence of the plenipotentiaries.

Instead of answering them, the duke *de Choiseul* attempted a second time to make the senate sensible of the precipice on the brink of which they stood. "I think it "unnecessary to repeat to you," said he in his letter the 30th of July 1767, "that we never had any intention to "constrain you to an accommodation, of which you judge "that the consequence would be fatal to the constitution "of Geneva."

If this declaration justifies the duke *de Choiseul*, what a picture it presents of the senate of Geneva, who justify themselves, as of a crime, *of having ever had thoughts of an accommodation with their fellow-citizens!* What magistrates must they be, who considered an amicable settlement between both parties as the destruction of the state, and who had notwithstanding declared at the beginning of the disturbances, that reconciliation was the warmest wish of their hearts, the end of all their labours! What notorious falsehood in such conduct! What a depravation of republican principles! How great the delirium of aristocracy! What a passion is the lust of arbitrary power! To what a degree of baseness it makes its votaries stoop!

powers could only wound *the independence of the republic*. It was necessary to send this address to the guarantees; the resident testified his concern that he could not take that business on himself. Four of the commissaries, *Flournoy, Bellamy, Vignier* and *Deluc* the son, were commissioned to carry it to Zurich and Bern. Their excellencies accepted the memorial, but did not think proper to send it to the court of France.

In this posture of affairs, the citizens collected all their strength, and for the last time represented to the senate the dangers of their country, and the misfortunes in which they were going to involve it. Such was the purport of the remonstrance of the 16th of October, in which they grounded their rights even on the acknowledgments of the council, conjuring them to return and avert the wound about to be given to the independence of the republic, by powers benevolent it was true, but whose equity had been surprised. 16th Oct. 1767.

This production is the master-piece of the representants: the simplicity, dignity and strength of reasoning conspicuous throughout, render it worthy of being placed on a level with the harangues of the orators of ancient Greece. Although to extract from it must weaken its energy, we shall here present some passages.

“ To

stoop! It contaminates all that surrounds it: and its effects cannot be more properly compared than to the devastation of the harpies.

——— *Uncæque manus et pallida semper*
Ora fame.———

CHAP.

IV.

“ To explain the law, is to choose an arbitrary meaning amongst several different meanings; 'tis placing a law where no law exists; 'tis therefore making or at least altering a law, and you have acknowledged that that right was the incontestible privilege of the general council. Now, if the powers that have guaranteed the legislative right to the general council, wanted to interpret its laws themselves, they would deprive that council of what they have promised to maintain to it.

“ Your acts, your confessions, our laws, all tell you, my lords, that by an accommodation alone peace can be restored. Can it be possible that in contempt of these confessions which you were forced by the law to make, you could have clandestinely desired a decision, by which, notwithstanding its nullity, you would be led to force the general council to elect syndics *disagreeable* to that council, a decision, by which you might be freed from the necessity of gaining the affections of the people that you govern; a happy necessity, from which our magistracy derives all its lustre, and which ought to be still more precious to you, than to us! For in fine where are you to live? Where are you to seek for tranquillity, for happiness, for honor; is it not in the bosom of the republic? After having declared that *you neither could nor would govern without the confidence of the public*, can you so soon have learned to dispense with it entirely?

“ Can you yourselves any longer bear the sight of your authority established on the ruin
“ of

“ of the laws, before the eyes of your country,
 “ before the eyes of all Europe, which would
 “ at length be opened by the irresistible force of
 “ your own confessions, which shall be recorded
 “ in this piece? These confessions, my lords,
 “ undoubtedly add nothing to the power of the
 “ laws; but they will serve to convince all
 “ Europe, that if it be true that you wish to di-
 “ vest the general council of rights secured to it
 “ by these laws, you aim at divesting it of a
 “ possession which you well know to be its birth-
 “ right.

“ Dispel, my lords, the thick mist that is
 “ before your eyes, consider the path you were
 “ going to tread; think whether it be preferable
 “ to the love of your fellow-citizens! And re-
 “ member that it will never be too late for them
 “ to assert their laws.

“ We wait the event with constancy; be it
 “ what it will, it will ever find us patriots. May
 “ it be such that we may one day have no occa-
 “ sion to exercise any virtue but gratitude (g)!”

Never will the cause of free people be sup-
 ported with more wisdom and fire than in that
 piece, which was eagerly received and translated
 in

(g) The citizens delivered it to the four syndics, filing
 off two by two in their presence: one of them said: *the*
citizens you see before you are ready to sacrifice their lives in
defence of their liberty. Another, *we demand the execution*
of our laws. A third, *we are tired of asking peace, we shall*
at length require it. The thunder rolls and is ready to burst,
 exclaimed a fourth. One of them said but this word,
Refract.

CHAP.

IV.

in foreign countries. The outlines of it were drawn by advocate *Rilliet*; a man whose fertile imagination, tho' almost ever exalted, often hurried him beyond the bounds of truth; but he was sublime even in his extravagance. *Deluc* the son, ever serene and wise, artfully collected the flashes of genius that sparkled in the writings of *Rilliet*, to give warmth to the language of reason, and the cold exposition of truth, in the writings of the citizens. The profound researches into the primitive constitution which had been made by *J. J. Vieusseux*, threw a great light over these writings. His great reputation for honor was above all of inestimable value to the cause of liberty, which he was one of the first to embrace, and which he supported with constancy inspired by the certainty of the rewards that are offered by religion to virtue. *D'Ivernois*, by the unshaken inflexibility of his character, often supported the desponding resolution of some of his colleagues. *Flournoy* was valuable to his fellow-citizens by his exquisite judgment, and by the quick and deep penetration with which he discovered what should not be mentioned, and what ought to be advanced with boldness: his opinion was often a ray of light to the citizens. In fine, *Claviere*, as yet a youth, distinguished himself by warmth of sentiment, by his ardent love of liberty, and the zeal with which he displayed the resources of an extensive and fertile imagination, in defence of the liberty of his fellow-citizens (*h*).

Such

(*b*) Except advocate *Rilliet*, who besides was not a commissary, all the rest were but merchants, or even artists, who entered all at once on the political career the senate had

Such were the principal compilers of the writings of the citizens. No less enlightened than *Fatio*, wiser than *Michèli*, and better informed than the delegates of 1734 and 1737, the commissaries of 1766 discovered that the capital fault committed by *Fatio* was that he had not written on the constitution of his country, so that the truths he asserted were suppressed by the terror his punishment had occasioned, or died with his contemporaries. These new defenders of liberty were sensible that the whole strength of a weak people consisted in the public opinion; that important truths consigned to authentic writings will never be lost, but are gradually unfolded, and sooner or later must triumph; they left no means untried to evince the rights of the general council, and the injustice it would be to divest it of those rights. Their writings, and in particular *the remonstrance*, copies of which were scattered with profusion at the court of France, gained them

CHAP.
IV.

the

had engaged them in; and in which they soon displayed their natural genius at the expense of their ease and fortune which most of them sacrificed. The negative party opposed to the citizens foreign supports, and ardent and passionate partisans of aristocracy, but, except senator *Turrettini* and the attorney general *Tronchin*, the negatives could not produce any defenders as enlightened as those of the commissaries whom we have mentioned. 'Tis this that made one of the Swiss mediators say, in allusion to the magistrates inhabiting the upper part of the city, and wearing wigs. "The wigs are above, but the heads are below!"

CHAP. the applause of every intelligent reader in that
 IV. court (i).

Women are in general more affected than men at the sight of injustice. Several ladies of distinction at the court of France interested themselves in favor of the citizens: we have been assured that the countess *de Brionne* pleaded their cause before the duke *de Choiseul*, with all the warmth of a tender heart, shocked at seeing virtue struggling against misfortune and calumny. Generous woman, receive the homage of my fellow-citizens, but deign to cast an eye on their condition, and accomplish your work if it be not too late!

Whilst foreigners shuddered at the storm, that was gathering over Geneva, through the ambition of the senate, that body were calmly exciting it: they considered the citizens remonstrance as the last effort of a party reduced to extremity, and their members, deaf to the cries of the nation and all Europe, again repulsed the earnest solicitations of the representants, persisted in wanting
 to

(i) " I congratulate you in particular, said *Rousseau* in his letter to commissary *D'Ivernois* of the 24th of March 1768, " on a happiness that does not always attend a good " cause; your having found, for the support of yours, " abilities capable of recommending it. Your memorials are master-pieces of reasoning and diction. I know " what knowledge reigns in your clubs, that sound arguments and thorough knowledge of your edicts are there " to be met with; but one does not generally meet with " persons possessed of such a pen. He who possesses yours, " whoever he is, must be an extraordinary man; never " forget the gratitude you owe him!"

to subject them to the decision of the guaranteeing powers and represented to every member of the state *the deplorable consequences that would attend their seeking for nullities in the decision of the guarantee whilst none were to be found: that such a suspicion would be an insult to the benevolent powers, and plunge the republic into the greatest calamities, and that the representants, and the representants alone, would be responsible to their country.* Imprudent men, who saw not that had they been able to enslave their virtuous fellow-citizens, they must have supported by constraint, the work of constraint! And what a government must that be?

The citizens are sometimes reproached with reviving the remembrance of the scenes of 1707: but how can the spirit and system of a body of men be delineated, without tracing back their history, to support them by the evidence of authenticated facts? If the reader wishes to be convinced that the system of the senate of Geneva has uniformly been to govern the people by fear, and to divest them of their rights by open force; we invite him to recollect the two letters wherein the deputies of Bern wrote in 1707 to their sovereign that “the council’s views in refusing all
“amicable negotiation was to subdue the citizens, and to silence them by authority and
“fear.... That the uniform system of the magistrates is to master the citizens by menaces
“and fear, pretending that the allies, (who are
“however the allies of the general, and not of
“the petty council) are to second their designs.” Let the impartial reader compare the conduct of the senate of 1707 with that of the senate of 1767, judge which of these two bodies was the
Y more

CHAP. more culpable, and determine whether the views
 IV. of both were not the same, despotism and re-
 venge. Yes, such has been, and such is still the
 character of the men, who in this century have
 governed the Genevese nation, and when they
 presume, even at this day, to call on foreign
 powers to gain authority in which force may pre-
 dominate, we may easily judge by the past what
 their empire will be in future, if their wishes are
 crowned with success (*k*).

Mean-time the resistance of the senate had rendered ineffectual all the delays which the good intentions of the Swiss had caused in the completion of the decision, and this fatal judgment was ready to smite the republic. A citizen distinguished for his virtues and abilities endeavoured to turn them to the advantage of his country, and left Paris in order to bring about an accommodation between the two parties. He found the representants disposed for peace, moderate in their pretensions, and defending their rights with warmth, tho' without enthusiasm: but vainly did he assure the partisans of aristocracy that the public opinion was not in their favor, and that the French minister would never resolve on shedding the blood of the representants, to gratify the ambition of some individuals: his arguments, his entreaties, his exertions were baffled by the obstinacy of the negatives. He departed

(*k*) Readers, before you here accuse me of declamation, deign to cast an eye over the close of this history, and you will there see with what aggravating circumstances this fatal prediction has been accomplished.

departed foretelling the events that followed, and carrying with him the vexation to have seen his benevolent projects thwarted by prejudice, selfish views and contemptible intrigues (1). He has since met with the same obstacles, when called upon to give happiness to a mighty empire. The esteem of the Genevese and the gratitude of the French nation are in some measure compensations for the good he was unable to do them. As long as his country will honor virtue, she will glory in having framed a mind like his.

At length it was announced by public report that the decision was ready to appear, and that one of the principal articles was the suppression of the twenty-four commissaries: the latter, tho' determined never to acknowledge it as a law of the state, were sensible of the inutility of coping with the guaranteeing powers, and, in order to avert the blow, demanded their dismissal from their constituents, with a secret determination not to abandon functions the exercise of which was about to become more necessary as well as more dangerous. On the approach of the danger, the citizens engaged anew to share it with their defenders. "We would have trembled for you," replied they, had we loved you less; but convinced that the strokes intended for you could not reach you, without having first fallen on us, we consoled ourselves with this thought,

Y 2

that

(1) *Taules* had the baseness to jest on the bad success that attended the generous efforts of this citizen. *Mr. Necker*, said he in a letter from *Soleure*, the plenipotentiary without credentials.

CHAP. " that if we were to lose you, we should at least
 IV. " be the first to perish."

The citizens, on granting this apparent dismission, determined to have a gold medal (*m*) struck, as a lasting monument of the gratitude due to them. This resolution to reward their defenders, at the very moment their cause was most desperate, recalls to our recollection that courageous confidence with which the Romans besieged by *Annibal* calmly bought and sold the field on which he was encamped. I may be mistaken, but to me it appears that this passage should form an era in the history of Geneva, and is sufficient to characterise for ever my fellow-citizens, and to prove how sensibly they were penetrated with a sense of the justice of their cause, and the integrity of those who defended it.

(*m*) That resolution took place after the peace of 1768; each of the commissaries received a gold medal. On one side are their names, on the other is represented the old man teaching his children how to break a bundle of rods by separating them. Underneath is this verse of *La Fontaine*.

Vous voyez, leur dit-il, l'effet de la concorde.

Behold, said he, the effect of concord

A just allusion to that union to which the representants were indebted for their preservation.

CHAP.

CHAPTER V.

The three guaranteeing powers ratify the decision and send it to Geneva—Examination of that work—Dispositions to an accommodation to which it paved the way.

THE ratification of the decision met with many obstacles in the council of two-hundred at Bern. Many senators exerted their utmost efforts, to divert their colleagues from an act which would enslave a people till then free and independent.

CHAP.
V.

“ The citizens of Geneva, said they, have
 “ not violated any laws; the appeal to the gua-
 “ rantee was illegal, the decision of the guaran-
 “ tees must therefore be illegal too. The right
 “ of guaranteeing laws is not the right of filling
 “ up voids in them. Now, the explanation pre-
 “ sented to us would be to the Genevese a foreign
 “ law, and the deepest wound that could be in-
 “ flicted on the *legislative power*, which we have
 “ gua-

CHAP.

V.

“ guaranteed to the general council. If we ratify a decision of that nature, we shall be no longer guarantees but legislators. If the magistrates of Geneva avail themselves of it, they will never more be considered but as usurpers; they will meet with innumerable disgusts in the exercise of that illegal power; and we, who shall have confirmed that power, shall be accused by all Europe and our own people of having favored aristocratic tyranny.

“ They tell you, that for the difference of a little more or less equity in your conduct towards Geneva, you ought not to expose yourselves to a rupture with the crown of France. Illustrious senators, such morality is the bane of republics; their existence is maintained by justice alone, the authority of their chiefs by the confidence of the people, and their own independence by the respect they themselves testify for that of their neighbours. The independence of the petty states, of which the Helvetic body is composed, forms a chain: a chain that is destroyed, if a single link be broken. May this senate never be exposed to the reproach of having been the first instrument of its own ruin, by contributing to that of a republic its ally! But if this sovereign council concurs in such an act, we still have hopes, nay we presume to foretell that the firmness of the Genevese will save their country, perhaps the Helvetic body.”

The powerful arguments of these republicans were ineffectual. In vain did they urge the XLIVth. article of the guaranteed regulation, by which

which no change *whatever* in the laws is permitted, *without the consent of the general council*. The majority of the senators of Bern, pensioned by the court of France, alledged different reasons for not refusing to comply with the solicitations of that court: they represented that act as a fatal, but necessary, consequence of their former proceedings; and even made it be considered as a hint to the *negatives* and *representants* to make up matters themselves. The decision was ratified by Zurich and Bern and sent to Geneva on the 20th of November 1767. 20th Nov.
1767.

In the preamble were recapitulated the justification granted to the senate, the project rejected by the general council, the efforts made by the ministers of the guaranteeing powers to prevent by their friendly offices the exercise of the guarantee, and the necessity of proceeding to a determination of the real meaning of the contested points.

The first article declared that *the general council could not, on any pretence whatever, dispense with annually electing the four syndics, from the number of the actual members of the petty council capable of being chosen*.

The second article decreed that *the senate had a right to reject or approve of representations, or to lay them before the superior councils, as to it seems meet*.

The third article was the most vague of all. It even had no meaning, for it decreed *that representations could be presented only by one or many of the*

CHAP. *the citizens : leaving to the republic the care of determining the number in a more exprefs manner.*
 V.

The IVth. article had excited in Bern the warmest contest: its subject was the code ordered by the edict of 1738, that was *to contain all the edicts and regulations*. The guarantees decided that in that collection should be comprised only *the edicts ratified by the general council since the year 1568*. Now, not only no question had arisen with regard to the edicts that should enter into the code, but this was depriving the citizens of all the laws enacted previous to that period, tho' many of them had not been repealed; it was evidently stretching the office of the guarantees beyond the latitude prescribed by themselves; for the right of explaining laws pretended to be obscure could not suppose a right to restrict or even repeal clear and incontestible edicts (a).

By the same article it was decreed that a code should immediately be made, and the senate was censured for not having completed it sooner, which was manifestly contradictory to the justification contained in the preamble.

Finally the fifth and last article suppressed for ever the twenty-four commissaries; and in that article the guarantees authorized the senate *to publish the decision in the usual form, to register it and annex it to the regulation of 1738*: promising in the names of their respective sovereigns, to guarantee

(a) That article passed in Bern with a majority of only seventy-two against forty-four.

rantee its execution, *enjoining to all and every one to conform to it, under penalty to those who oppose it, of being considered as disturbers of the public tranquillity, and prosecuted as such.* CHAP. V.

Such was this decision, *which carried in itself, said the plenipotentiaries, the most convincing proofs of the regard they had endeavoured to shew for the independence of the republic*

Yet, whatever may be the mistake of right committed by the guarantees, by arrogating to themselves the power of explaining contested laws; it must be acknowledged that their decision demonstrated, in many particulars, the regard they shewed for an accommodation freely entered into by the different orders of the state. The powers, in declaring their opinion on the litigated articles, neither determined in what manner the new meaning given to these articles could be put in execution, nor how to reconcile it with the ancient laws and usages. Far from taking from the general council the power of correcting this decision, they expressly invited the councils to have recourse to the legislative body on divers subjects laid aside, and for the execution of the decision itself, which regulated in a very imperfect manner the articles it was intended to determine. It decided nothing on the election of the lieutenant of police, of the treasurer, the attorney general and the auditors: and it is evident, that as long as the general council was not forced to choose these magistrates from the petty and grand councils, the aristocracy had gained but half its caute.

The

CHAP.

V.

The guarantees had left in the same predicament the form of imprisonment, the presidency of the syndics, the employment of the garrison, and several other contested points, abandoning to the republic the care of deciding on them herself.

This decision was read without opposition in the grand council which had long been a lifeless body : one old man would have protested against it, but was told that he had been summoned to hear and not to discuss it; it was there loudly declared, that the same ceremony would be performed in the assembly of the people, and that a simple reading was the only sanction that act required to become a law of the state.

This news spread the greatest consternation through the city. Some citizens, but they were few in number, saw no other resource but to abandon their possessions, and go seek under another climate liberty, which they already considered as lost to their country. This timid advice was given them by Rousseau (*b*): fortunately

(*b*) “ Since you are ready to bury yourselves under your country’s ruins, said he in his letter to *D’Ivernois*, the 29th of January 1768, “ go farther still, dare to live for her glory, when she herself will exist no more. Yes, “ Sirs, you have still in the case I speak of, a last “ course to take, and it is I presume the only one worthy “ of you : instead of embroiling your hands in the blood of “ your countrymen, abandon to them these walls which “ should be the asylum of liberty, and which will soon “ be no more than a den of tyrants. Depart from it all, “ all together, in the open day, with your wives and your “ chil-

nately it did not prevail; the most courageous represented that it would be as base to have recourse to so desperate a resolution, without having exerted the utmost efforts to prevent its necessity, as it would be wise and noble to adopt it, when no more hope of resistance would be left. In reality the liberty of Geneva was not yet at its last gasp, and her inhabitants were doomed to many other

“ children in the midst of you; and since you must wear
 “ chains, wear at least those of some great prince, and not the
 “ insupportable and odious yoke of your equals. Do not
 “ imagine that in such case you would be destitute of an
 “ asylum, you know not the esteem and respect your cou-
 “ rage, your moderation and your wisdom have inspired in
 “ all Europe. I do not suppose there is a single sovereign,
 “ I shall not except one, who would not honorably, and,
 “ I dare to say it, respectfully receive that emigrant colo-
 “ ny of men too virtuous not to be as faithful subjects as
 “ they were zealous citizens. I am sensible that in such
 “ case, many of you would be ruined, but I think that
 “ people &c. &c. &c.”

I have not spoken of *Rousseau* since his abdication, because he took no share whatever in the duration of the troubles. At an interview he had in 1765 with some of the principal commissaries, he exerted all his persuasion to induce them to yield to the force that threatened them. He afterwards retired to England, to forget the injustice of his country, and to hear of her misfortunes no more. But notwithstanding that resolution, he often bewailed the fate of his fellow-citizens. Unfortunate man! Instead of fanning the fire of discord amongst them, an imputation he did not escape, he employed in his correspondence with *D'Ivernois* all the arts of eloquence and friendship to persuade the representatives that tranquillity was yet more precious than liberty, and that they ought to think themselves happy to purchase peace by any sacrifice.

CHAP. other trials before they were reduced to that honourable flight (c).
 V.

The crisis was most alarming: the majority were of opinion that a public protest should be made; it was prevented by the commissaries, who decided that no measure was more safe than to seem to be ignorant of the arrival of the decision that they did not choose to acknowledge, but at the same time to prepare for vigorous opposition to every species of act that might tend to its execution. They determined above all never to permit it to be read in the general council. The danger of that generous resolution was not unknown to them, but the immense loss they would have been at by the free sanction of such a decision was as certain as their shame: they vowed to perish rather than consent to it.

It was at first imagined that the senate would publish it by sound of trumpet. Had that been the

(c) Some have imagined that it was thenceforward part of the aristocratic system to force the citizens to desert their country; a dreadful project, which seems to have sometimes slipped from the underlings. One of them, to whom some person was one day describing the extreme despair of the citizens, exclaimed, *well, let them go to the islands, there is a great want of men there!* However it would be unjust to charge them with so heavy an accusation on so trifling a speech: the calamities they brought on their fellow-citizens may as well be ascribed to the illusions of ambition, as to a project for banishing all their countrymen. This project was too abominable to have been conceived at once; it was only gradually they grew so corrupted as to meditate such enormities.

“ There are degrees in vice as well as virtue.”

the case, men, women, children, servants, all would have shut themselves up in the houses; the shops and warehouses would have been closed, the public places deserted; the magistrates would have found on their march nought but universal silence. The senate was so wise as to avoid the effect of such a solitude; they therefore began by having the decision printed, and distributed by the *tithingmen* with the formality usual to sovereign edicts. The representants refused to receive it, and the *tithingmen* brought back almost the entire edition to the senate. This first proceeding, and the repeated refusal of the general council to accept of the candidates presented on the elections for lieutenant, treasurer, and attorney general, at length made the councils perceive that they were going to be in the dilemma, which had long been announced to them, that is say, in the same predicament they had been in when they invited the guarantee.

It was however rather excessive ambition than want of foresight in the senate; they had not only foreseen the embarrassment in which they were, but had even long since mentioned it to the court of France; they had used their utmost efforts to induce the guaranteeing powers to have the decision proclaimed in Geneva, in presence of their plenipotentiaries; they had even sent memorial after memorial to obtain of the duke “ that the decision should be pronounced with all the solemnity suitable to its
“ sub-

CHAP. "subject and to the greatness of the powers
 V. "that had framed it." (d)

The republic would have been destroyed, had they obtained this last mentioned favor; the slightest disapprobation of the most obscure individual, the most trifling opposition the exercise of the decision would have met with, in presence of the plenipotentiaries, would have been an offence not to be washed away but in the blood of the citizens; and to be atoned for only by their destruction. The duke *de Choiseul*, foreseeing that necessary consequence of the act solicited by the senate, was therefore unwilling to expose himself to be obliged to annihilate the citizens of Geneva. He was at length convinced that a pursuit of his system of constraint towards the Genevese, could only operate the speedy subversion of Geneva, or its
 absolute

(d) After an express deliberation of the senate on the 1st of August, *Lullin* delivered into the hands of the duke's clerk a memorial, the purport of which was to persuade the minister, that it was to be wished *that the decision of the powers were pronounced with a certain degree of solemnity.*

Lullin wrote from Compiègne on the 19th of August, "that Mr. *De Bournonville* had advised him not to speak to the duke concerning the solemnity wished for by the council in the decision, until it should be known that it was addressed at Soleure."

He proposed that the council should write a letter to the duke, leaving a blank for the date, testifying their wish *that the decision should be pronounced with the solemnity suitable to its subject, and to the greatness of the powers that had framed it.* He proposed that this letter should be sent to *Cromelin* with orders to make use of it only as circumstances would permit.

absolute ruin in lapse of time. That able mi-
 nister well knew that the existence of that
 small republic and the prosperity of its inhabi-
 tants had ever been a point in French politics;
 he was sensible besides that the greater the weak-
 ness of the Genevese, the less his master's greatness
 would be hurt by his withdrawing. His huma-
 nity, his understanding and the generosity of
 his character preserved his glory and Geneva.
 He frankly declared to the two agents of the se-
 nate, *that he did not approve of sending the minis-
 ters to Geneva.*

CHAP.
V.

A circumstance no less fortunate than unex-
 pected had undoubtedly contributed to this alte-
 ration in the dispositions of the duke. This mi-
 nister had formed a project of founding a set-
 tlement at *Verfoix*, a little neck of land, belong-
 ing to France, on the banks of the lake of Ge-
 neva, and at a league and a half distance from
 that town: he had hopes of making it a con-
 siderable colony, by granting it liberty of con-
 science, and by means of a fort he intended
 to erect. This new project flattered his ideas of
 religious toleration, and presented him with
 means of being revenged for the delays with
 which the Swiss had served his views on Ge-
 neva, and at the same time punishing the two
 parties of that republic, to whom he already
 began to conceive equal dislike. It is certain
 that such a settlement would have proved very
 fatal to the republic, and it appears that as
 soon as the project was formed, the duke dis-
 played in the execution of it the same warmth
 that had possessed him in labouring for the tri-
 umph

CHAP. V. umph of the senate. He succeeded no better in the one than in the other (e).

But this entire desertion of the court of France was known only to the principal partisans of aristocracy, who, to conceal it from the citizens, continued more than ever buzzing in their ears these mighty words, *the honor of the guarantees engaged, and the reputation of the duke de*

(e) On the 10th of September *Cromelin* announced to the senate; "That his excellency appeared to have but little confidence in the execution of the decision, that he would consider the affair as concluded as to the king's share in it, who had exactly fulfilled his engagement; that after the decision the troops would retire. That his excellency, more infatuated than ever with the settlement at *Verfoix*, intended to establish liberty of conscience there, to construct a harbour and on the following year to build a fort."

The senate not only neglected to avail themselves of this important intelligence, by coming to an accommodation with their fellow-citizens, but having come at the knowledge of a project of so great importance for the safety of their allies of *Bern* and the whole *Helvetic* body. Will it be credited? After a deliberation, the 15th of September, on the construction of the fort at *Verfoix*, they expressly declared that no information of it should be given to the allies of *Zurich* and *Bern*, "for fear of causing any incident by which the decision of the august guaranteeing powers might be deferred."

Thus to the hopes of divesting the general council of its rights, they sacrificed the dearest interest of the republic, their duty, the safety of their neighbours, and their engagements to their allies. Oh men of *Bern*, behold the men for whose triumph you have in your turn sacrificed the faith of nations, justice and your treaties!

de Choiseul wounded, if the execution of his decision were not enforced (f). CHAP.
V.

The representants fell into the snare, and had no doubt that so many threats would be put in execution, but they were no less unshaken in their resolution, never to suffer a foreign law to be read in the sovereign assembly.

Mean time the day of the election for syndics was at hand, and in order to proceed without the line of new election, conformably to the decision, it was necessary to read that decision in the general council. This was the critical moment: the alarming situation gave new strength to such of the senators as pleaded for peace, and had so long since foretold to their body the insufficiency of a decision; they represented that the judgment of the guarantees had not slackened the resistance of the representants, that far from preventing the councils from a free accommodation with the latter, it had rendered that accommodation absolutely necessary, and even invited them to it; and that it was to it alone, and not to the desertion of the powers, that the senate should ascribe the deferring the negotiation to the most unfavourable moment. This body at length did through
Z
constraint

(f) The syndic *Jallabert* said one day to *J. J. Vieusseux*, in a tone made up of friendship and fear; "Imprudent men that you are, how could you even conceive an idea of coping with a minister, in whose hands you have seen broken the all-powerful body of the Jesuits?"

CHAP.
V.

constraint, what they ought long before to have done through prudence, and above all through patriotism, they resolved to make up matters with their fellow citizens. Thus did the general council, invited by the very wishes of the guaranteeing powers to determine divers subjects they had laid aside (g), resume the lawful influence granted to it by the edict of 1738; an influence, to deprive it irrecoverably of which, the decision had been solicited.

CHAP.

(g) The senate was so sensible of this, that in their first overtures of peace to the citizens, they mentioned it as a motive. "The mediating and guaranteeing powers, said they, having left to the republic the care of regulating divers articles, the decision of which is necessary to put an end to the dissensions and to prevent a return of them, &c."

CHAPTER VI.

The senate at length appear disposed for an accommodation without foreign assistance—They refuse to appoint regular conferences with the citizens, and draw up articles of peace without consulting them—Their project is rejected in the general council.

I NOW proceed to introduce the reader into a field far different from that which we have past. The senate no longer appear to oppose a reconciliation; they at length acknowledge its necessity; they even seem to desire it as eagerly as the citizens: yet peace still slips from their hands. To which of the parties must the cause be ascribed? The following account will enable us to judge.

CHAP.
VI.

As soon as the senate had acknowledged the necessity of a domestic accommodation, the independence of Geneva was preserved; but the difficulty of effecting it is evident. The citizens,

CHAP. VI. who had so woefully experienced the excesses of aristocracy, were more determined than ever not to renounce their right of refusing to elect, without obtaining some other barrier equally proper to restrain the encroachments of authority: so soured were the minds of the people by long contests and by the proceedings of the senate, that the overtures made by that body were considered by the citizens, but as a real refusal of reconciliation, concealed under a new form, and only tending to render them responsible in the eyes of Europe for the events that were preparing.

Undoubtedly the surest as well as most honourable measure would have been on the side of the senate a sincere and perfect return to peace with their fellow citizens, an exhortation to every order of the state to mutual reconciliation, to forget the misfortunes in which the republic had been involved by party spirit, and to have nought in view but the real advantage of the state in the plans for an accommodation, to labour at which every citizen should have been invited.

Such was the opinion of senator *Turrettini*, who sincerely wished for peace, and who well knew the effect that such a return would have had on the generous character of the citizens: but the body he belonged to, ever wavering in their proceedings, and ever incapable of seasonably adopting a good measure, let themselves again be seduced by the fatal councils of *Desfranches*, *Saladin* and part of the *Tronchin* family, constantly spoke of the decision as of a law of the state

state which only required some additions, and obstructed the work of peace by refusing to have regular conferences with the citizens for the methodical discussion of the contested points, as in 1707, 1734, and 1737; a simple measure, the only one fit for coming at a knowledge of the pretensions of the two parties, and for reclaiming them to ideas of general benevolence. In a word this body laboured alone at a project of accommodation (*a*), and it is unnecessary to mention that in a committee entirely composed of magistrates, the interests of the citizens were not even thought of.

CHAP.
VI.

So entirely were their interests forgotten, that it was declared even by the grand council, to whom that project was presented, that the citizens would never be contented with the equivalents offered them in exchange for the rights of which a resignation was demanded; and that council appointed a committee of its own body to examine the work more minutely. But this committee was not authorized to have regular conferences; and the representants, whom they consulted

Jan. 2,
1768.

(*a*) In justification of their refusal, the senate urged the fifth article of the decision, by which the commissaries were suppressed. Vainly was it represented that the decision was not a law of the state; and that besides the guarantees did not mean to exclude commissaries legally appointed by the concurrence of all the orders in the state. Vainly was it represented, that the best testimony of respect that could be given to the guaranteeing powers was to comply with their desires of a speedy pacification; the senate was deaf to all these arguments.

CHAP.

VI.

consulted on the wish of the generality, replied that it was unknown to themselves; that the only means to reach it was not to hurry the work of peace, and to appoint conferences for mutual information, in order to discuss on both sides different plans of reconciliation, to unite the representants themselves on the objects that should serve as the ground-work of an accommodation, and to reconcile their ideas which were in that respect as various as their minds. In effect, whilst they had combated only in defence of their rights, they had easily agreed on the measures to be taken, but now that the question was concerning a resignation of known rights, and a substitution of new privileges in their place, their calculations must necessarily vary *ad infinitum* on these new combinations.

The presidency of the syndics, the imprisonments *ex officio*, the employment of the garrison, and the manner of proceeding against such as uttered opinions contrary to the established religion, were objects on which they could easily agree; the difficulty principally lay in the exchange of the unlimited right of refusing to elect. As to the negative right, as the principal partisans of the senate acknowledged they had gone too far in their pretensions in that respect, it was hoped that any determination on that subject might be dispensed with, especially, if such a settlement was made with regard to the line of new election, that a popular administration would in future be secured.

But

But in order to exchange this line, it was necessary to determine its value, and nothing can be more distant than the estimate of the two parties.

CHAP.
VI.

We have already seen, page 129, that, by exercising this right in its full extent, the citizens might not only have in great measure possessed themselves of the election of the petty and grand councils, and annually divested some members of their seats, but that they might besides check administration, if they were discontented with it, and force the senators to relinquish their places, in order to present to the general council a new senate agreeable to it.

To induce the people to consent to confer the magistracies in their disposal on none but actual members of the petty and grand councils, the senate had at first proposed to surrender to them a share in the election of the council of two-hundred: but the representants, dissatisfied with that offer, said with justice, that elections would be an illusive means, unless accompanied with a check to keep the elected magistrates within the bounds of law, and to divest them of their places, if they deceived the expectations of their constituents. Thus was made known the general opinion of the citizens, in the meeting of the clubs held for the purpose of receiving their sentiments. It was there determined that the immense sacrifice of the right of refusing to elect could be counterpoised only by rights of election joined with a right of expulsion; and the ancient commissaries were commissioned to combine these two objects in the most advantageous manner to the republic.

Jan 17,
1768.

They

CHAP.
VI.

They were therefore called upon to examine whether, besides the election of half the grand council, that of part of the senate should not be required; whether the scrutiny or censure should take place on one council or on both; in what manner and on how many members it should be exercised; or in fine, whether it would not be expedient to substitute instead of the elections joined with scrutinies a regular removal, that is to say, periodical elections like those of the British Parliament.

Jan. 19,
1768.

Scarcely had the commissaries entered on discussions of so delicate a nature, when they discovered the impossibility of going through them with success in the short period the senate had appointed for the examination of their project of pacification; they demanded therefore an adjournment of the general council, and represented how inconsiderate it was to grant but *two days* to present their remarks, *and to come to a determination on the most difficult point that could ever be submitted to the examination of citizens.*

There were two motives for this amazing precipitation. The senate had for some time past been persuaded that the representants were divided amongst themselves, and that the majority would eagerly embrace an opportunity of coming to a conclusion at all events, and with all possible expedition. But their principal view in hurrying on an accommodation, was that the election for syndics might speedily take place and be conformable with the decision. In fine those who had endeavoured to trample under
foot

foot the laws of their country, piqued themselves on so respectful a submission to that foreign law, that, the councils having granted an adjournment of eight days (*b*), the two senators *Tronchin* demanded their dismissal from the senate, on pretence that the suspension of the elections was an attack on the decision.

The ancient commissaries availed themselves of this adjournment to make new observations on the project of the councils, and presented them a memorial shewing the insufficiency of the compensations offered, and the absolute necessity of a moderate scrutiny to serve occasionally as a counterpoise against the excesses of power.

This demand of any power of removal whatever was rejected with contempt by the grand council, who made some slight additions to the project of the senate, and constantly refused to appoint stated conferences with the citizens, or to grant them time to examine the additions newly made. At this refusal, but above all at this precipitation, the representants were greatly exasperated. “ Let us no longer expose ourselves to be repulsed by the senate, said some of them. Let them run to their destruction, we shall know how to save our country without their assistance.”

However, the wiser part did not renounce their hopes of peace : and these hopes were increased by

(*b*) From the 21st to the 28th of January.

CHAP. by a letter from the two cantons, wherein these
 VI. allies expressed their satisfaction to the senate, at
 1768. that body's *seeking means of reconciliation, to re-*
 Jan. 23. *store tranquillity, unanimity and confidence.* This
 Jan. 27. letter and a new proceeding of the citizens made
 the councils at length perceive the indecency of
 pressing so strongly the acceptance of constitutional
 laws; they put off for a month the convention of
 the general council for that purpose, and appointed
 the 6th of March for the election of syndics.

Tho' regular conferences had not been granted,
 the citizens charged their ancient commissaries
 to turn this month to advantage by a coalition
 amongst themselves, and by drawing up a memorial
 uniting the last observations of the generality.

Such a step was the more necessary as there
 had arisen amongst the representants a species of
 division, at which their defenders were justly
 alarmed. Some individuals, soured by the mis-
 fortunes they had suffered, and by the crimes of
 the aristocracy, wanted to attack at its very
 root a government that had involved them in so
 many calamities. Thus the commissaries had
 equally to combat the principles of arbitrary power
 in the negatives, and in their own party, the
 pretensions of some individuals, who unintentionally
 tended too much to pure democracy, (c)
 who,

(c) Besides the election of twenty-eight members of the
 grand council on every promotion of fifty to that body,
 the

who, through patriotism, thwarted the efforts of the commissaries to moderate certain pretensions which to them appeared exaggerated, and even went so far as to suspect and accuse the latter of excessive eagerness for peace, and to make their conduct be observed by a species of over-seers.

CHAP.
VI.

This last crisis was the most alarming of all. The commissaries saw themselves threatened with a defection, at the very moment they imagined they were about to be crowned with success. It was only by redoubling their courage and patience that they surmounted this new danger.

Deluc the son contributed most to preserve them from it. “ If we require an exchange rigorously just, said he to the representants, we shall wound the vanity of the magistrates; they will grant us a truce, not a peace. The
“ only

the citizens demanded the election of half the senate, and a right of annual scrutiny over these two bodies; they solicited an encrease of the salary of the syndics and senators, whose emoluments were so trifling, that none but rich or unmarried men could become depositaries of power; a circumstance by which emulation was destroyed, and the number of candidates circumscribed. The citizens were strongly bent on that object.

They demanded above all that the condition of the natives should be meliorated and a law enacted permitting the latter to attain the right of freedom at a low price, and in a number proportioned to the annual drain of freemen. To accomplish this purpose, ten at least must have been annually made free; whereas the senate would admit to freedom no more than five.

CHAP. VI. “ only means to ensure a lasting peace, is to
 “ found it on mutual sacrifices. An accommo-
 “ dation is not a triumph : victory should not
 “ be the question, but the real advantage of the
 “ republic : let us learn to join moderation to
 “ our former wisdom, by which it may become
 “ equally honourable to both parties and ad-
 “ vantageous to our children.”

Deluc was more strongly affected than any other by the dangers with which the negatives threatened the republic, if the negotiation had not a speedy success. He was possessed of soft and persuasive eloquence ; the danger of the moment, the lassitude of business and the extreme necessity of peace gave to his arguments all the weight he wished for. He persuaded the citizens to desist from demanding the election of half the senate, and to be contented with a moderate scrutiny, in cases wherein the inutility of election would be manifest. This counterpoise however did not appear sufficient to some persons, who thought it afforded but a weak restraint, fitter to soften than to overcome the resistance of aristocracy.

30th Jan. 1768. But the majority having at length acquiesced
 13th Feb. 1768. in these moderate demands, and having repre-
 sented their arguments in a memorial drawn up
 for that purpose, the councils in their turn op-
 posed it, and again rejected the idea of any spe-
 cies of scrutiny, as the means of substituting
 amongst the magistrates motives of interest and
 fear to those of honor and the confidence of the
 public. This thesis was discussed with energy
 by

by different persons of both parties (*d*), but the councils did not make in their project any of the essential alterations demanded by the citizens: they obstinately refused to grant any species of right of removal or scrutiny, and persevered in their determination to lay their project before the general council on the 28th of February.

CHAP.
VI.

At the same time, in order to prevent a refusal which was foreseen by every one, the negatives began anew their former manœuvres, and again endeavoured to intimidate the people, by threatening to proceed to the execution of the decision on the 6th of March, in case the project were refused. They even whispered about a report of new menaces from the court of France; but the citizens remained unshaken in their duty, and the project of the councils was rejected by a majority of nine hundred and fifty-seven votes against three hundred and ninety-seven.

28th Feb.
1768.

Nothing could be more false than the pretences made use of to hurry on this accommodation. The cantons of Zurich and Bern had written anew, on the 10th of February, to express to the republic *their wish that a reconciliation should be sought for and forwarded by every or-*
der

(*d*) Such of my readers as are desirous of knowing the arguments employed in support of the two contrary opinions, will find them in the *Journal to serve as the history of the edit of 1768*, in octavo.

CHAP.
VI.

Nov. 15,
1767.

der of the state (e). The apprehensions from the court of France affected to be spread were no less fictitious. This the senate were not ignorant of, for *Cromelin*, notwithstanding the eager attention he had displayed in pursuit of the decision, had been forced to write to that body, in the most positive terms, that an accommodation between both parties *would not be displeasing to the court of France (f).*

In

(*e*) The senate had that letter translated and distributed: but instead of the phrase wherein their excellencies testified their wish *that a reconciliation should be sought for and forwarded by every order of the state*; it was expressed in the translation that their excellencies wished that *the project* (that of the councils) *should be accepted by every order of the state with decency and moderation.* The citizens compared the translation with the original, and the discovery of that little piece of artifice did not contribute to remove distrust.

(*f*) That letter was written on the 19th of November: to remove all possibility of a doubt, he confirmed it anew to the senate on the 15th of December, and particularly the following phrase. "Be as certain of the contents of this letter, as if you had heard every word of it pronounced by the lips of the minister." In fine, foreseeing that the senate might still be blind to the intentions of the court of France, he demanded that this letter should be joined to the registers, "in order, said he, that it may at all times exculpate me."

Lullin de Chateauvieux wrote at the same time, "that Mr. *Bournonville* had told him as a piece of news that tranquillity was about to be reestablished in Geneva, by means of an agreement between all parties; that a composition was in contemplation only the better to ensure the success of the decision, and to determine such points as had not been taken into consideration; and that he had assured him that the duke *de Choiseul* would not oppose an accommodation on such conditions."

In

In reality the duke *de Choiseul*, wearied by all these discussions, by the slowness of the cantons, their resistance to his desires, the perseverance of the citizens, and the pleasantries of the court on his continual wars with the artists of Geneva, would hear no more on the subject: in his resentment he made no distinction between the party that had involved him in the arbitration (g), and that which had resisted him. Such of the Genevese as wished to introduce an order of things that might render an armed guarantee necessary, raised about him clamours that he took no notice of: this minister no longer paid attention to the acts of violence they meditated and even spoke of with more assurance than they had ever done, since they had been forced to renounce such measures.

CHAP.
VI.

In fine on the 29th of December, *Cromelin* wrote another letter tending to evince, "that the guaranteeing powers would see with pleasure, that by means of an accommodation, tranquillity might be restored to the republic, whether that accommodation were previous or subsequent to the elections." *Registers of the council of the third of January 1768.*

(g) We are assured that *Cromelin* having presented himself at his excellency's levee at the beginning of the year 1768, the minister turned his back to him with contempt, saying, "*Sir, you have deceived me.*" Some persons imagine that it was of vexation he died the same year.

CHAP.

CHAPTER VII.

The senate enter on new negotiations, which lead to preliminaries of peace—The accommodation is accepted by every order of the state, and ratified in the general council on the 11th of March 1768.

CHAP. VII. **T**HE representants foresaw that measures would be taken to turn against them the rejection of the project framed by the councils, and justified that rejection in a memorial, wherein they represented the disproportion between the rights offered them, and those of which a resignation was demanded. But on the next day after this memorial was presented, the grand council had a meeting to debate whether they should put the decision in execution, that is to say, whether they should proceed to the election of syndics without the line of new election. Altho' that desperate resolution could not be accomplished without the violation of five fundamental laws, it was notwithstanding taken. It was determined in the grand council, by a majority of one hundred and five against

3d March
1768.

against twenty-one, that the decision should be conformed with on the next day but one, and that it should be read previous to their proceeding to collect the votes (*a*).

At this intelligence which spread like wildfire, hatred, which for some moments had been lulled by hope, was roused with redoubled fury; (*b*) the commissaries however, before they would proceed to coercive means against the senate, ventured another attempt to reproach them with all the violations they were about to accumulate in one single act, and to exhort them to return to the path pointed out by law (*c*).

A a

How-

(*a*) The sixth of March, the time of adjournment appointed on the 28th of the preceding January.

(*b*) It was not without the warmest opposition. A member of the grand council demanded whether a *massacre* of the general council was intended? And on some persons bursting into fits of laughter, he said to them in a resolute tone: "*I'll meet you that day.*" Another cried out: "*Since you order that dangerous act, swear all to assist at it.*" This distrust was not without foundation, for a few days after the accommodation which took place, one of the emigrants having complained of the conditions to which the senate had subscribed: some one replied very seasonably, "*alas, Sir, what would you have us do? All our bravos were without.*"

(*c*) That piece concluded in these words: "But if the councils forget what they owe their country, if they are deaf to our last cries, we declare, that as we can no longer consider them as the depositaries of our laws, we shall take these same laws, which are more precious to us than life, under our own care."

CHAP.
VII.

However forcible the representation they drew up, it did not meet the approbation of the clubs. "We have done enough to procure peace, said the citizens; we have nothing more to say until to-morrow. To-morrow, the republic will be no more, if we do not shew ourselves republicans." The measure was rejected.

This was the first refusal the commissaries had met with; they were then sensible of the necessity of adopting a vigorous determination for the next day's general council, in order to acquire influence over the minds of the people, to steer the helm to the last, and to repulse the decision, if possible, without effusion of blood.

Each had his place and his station appointed. The old men, seated in the midst of the church, were to impose silence on whoever would have undertaken to read the decision. They were to rise up in the name of the sovereign council against magistrates who had abandoned their country's independence, and who from being depositaries of the laws were become their violators. In preparing for these operations, sufficient measures had been taken to prevent the excesses to which some inflamed minds might have proceeded. An accommodation was to be attempted in the church itself; and if that last attempt were unsuccessful, the magistrates, detained by the citizens, were to have answered for the external misfortunes in which their obstinacy might have involved the republic.

True it is the representants did not expect a vigorous resistance from the negatives; but they did

did not disguise from themselves the dangers to which they were exposed from the guaranteeing powers, by positively repulsing their decision. They saw the danger and resolved to face it.

A fair was held on the eve of the general council (*d*); the distrust of the public was encreased by the confluence of strangers; the citizens all kept a vigilant guard to prevent secret ambuscades. Even the steps of the magistrates were observed; several fathers of families made their will, and mutually recommended to each other their wives and children. Every one prepared for the morrow, as a day big with the ruin or preservation of the republic. The citizens of opposite parties observed each other in the streets with a fierce and jealous look; one would have said of Geneva that it presented the appearance of the eve of a battle. Towards the middle of the day, the trumpet having sounded to announce the meeting of the general assembly, the citizens called it *the last trumpet*.

The negatives, observing these serious preparations for defence, could no longer doubt that the resolution of the representants was unshaken, and it was only then the senate appeared to be moved. The attorney general *Tronchin* artfully availed himself of this critical moment to enter on conferences for peace. The principal share this magistrate had taken in the commencement of the disturbances imposed on him a particu-

A a 2

lar

(*d*) Notwithstanding the fair, all the representants shut up their shops.

CHAP.
VII.

lar obligation to save the republic from the delirium of his own party. He acknowledged that the last writings of the representants had reconciled him to the idea of a moderate scrutiny, and he appeared inclined to accede to it, on condition of several restrictions fit to dispel the apprehensions of the councils, on the too easy exercise of such a right in the hands of the people.

His ideas, which he communicated to senator *Turrettini*, were strongly supported by that patriotic member of the aristocratic party, and by many of the negatives, who used their utmost interest with the senate: but the eve of the fatal day was come; the time was pressing, it was necessary to come to an immediate agreement on what preliminaries should serve as motives for a new adjournment of the general council.

The company of the pastors was assembled; and to facilitate *Tronchin's* negotiation (e), of which

(e) Some citizens who had seen his carriage preparing, imagined he sought to steal away, and determined to stop him at the very moment he was going to the syndics, to confer about the preliminaries of peace, which were privately treated of between the senate and the commissaries of the citizens. "You want to leave the city, said they, you are one of the first causes of the calamities of your country, she requires your assistance at the moment which is to decide her preservation or her total ruin; you must be with us to-morrow in the general council." They spoke to him with harshness; he replied that he had no thoughts of flight, and that if they doubted of his word and honor, he would go wherever they pleased. The intention of those who stopped him was to keep him as an hostage until the next day. They knew not that he

was

which they were informed, they sent a deputation of two of their body (*f*) to the senate and the commissaries of the citizens. These two pastors exerted in that important commission all the zeal and activity possible; and it was by their interposition that the preliminaries were at length drawn up. It was determined that, in exchange for the right of refusing to elect, the general council should receive, besides the election of half the grand council, an annual right of degradation, not over the grand council, as the citizens wished, but over four members of the senate; that in order to allow the discontented people time for reflexion, and government, when in fault, time for amendment, that removal could not be effected 'till after four or five successive convocations of the general council. Those who negotiated for the representants were obliged to consent that the grand council, and

was endeavouring at an accommodation, all hopes of which were lost. Fortunately three of the ancient commissaries, who chanced to be present, undeceived the croud with regard to the frequent proceedings of this magistrate, and immediately dispersed the species of mob that was gathering, so that this rising tumult was attended with no consequences. My reason for mentioning it is because it was the only time the citizens had transgressed the bounds of prudence and moderation they had prescribed to themselves. It is necessary to observe however that those who proceeded to this commotion had no intention to force the acceptance of the preliminaries, since they were entirely ignorant that peaceful measures were in agitation, and that the species of tumult that appeared in the city at this moment, had no reference but to the fatal resolution of reading the decision on the next day.

(*f*) *Mercier and Vernes.*

CHAP. and not the general council, should possess the
 VII. right of replacing the degraded senators; they
 also agreed that, to avoid the too rapid play of
 the passions, that annual right of removal should
 never be exercised over the four syndics immediately
 out of office; and in fine it was agreed on,
 that the exercise of that right should not com-
 mence for the space of five years.

March 6, That exchange and that right, named *reelec-*
 1768. *tion*, having been agreed on between the senate
 and the ancient commissaries of the citizens, the
 grand council was convened before day to im-
 part it to that body, and the senate, on present-
 ing the preliminaries of peace, obtained that a
 new adjournment for eight days of the election
 for syndics should be demanded of the people.

Therefore, instead of making the general
 council proceed to the election for syndics, con-
 formably to the decision, the citizens were that
 day informed of the adjournment; and approved
 of it, on receiving information of the founda-
 tions of peace that had been agreed on. At
 the instant the representants received assurance
 against the foreign laws they had so long been
 threatened with, all agitation subsided; and
 these first measures, taken into consideration, led,
 by a free and tranquil accommodation, to the
 edict by which tranquillity was restored to the
 republic.

The eight days following were employed in
 putting the finishing stroke to the negotiation.
Turrettini and *Tronchin* on the part of the senate,
Fleurnoy and *Deluc* the son, on that of the citi-
 zens

zens, had conferences together, and reported their mutual observations to their constituents whose acquiescence they obtained. We shall leave to the following parts a more minute examination of the edict they drew up (g). Such as may be desirous of casting an eye on their conferences

CHAP.
VII.

(g) The question on the presidency of the syndics was fixed according to the wishes of the senate.

It was agreed on that no Genevese should be imprisoned *ex officio*, without having been previously conducted, if he desired it, before one of the syndics or the lieutenant, to examine, cross-question and commit him, if they saw reason.

It was determined that the garrison should not be employed in private houses except in search of malefactors, and without a written order from the syndic of the guard.

It was agreed that every person accused should be at liberty to demand a communication of the proceedings and the right of having an advocate to plead his cause. The senate joined to that article a solemn promise of never previously imprisoning for petty crimes, which secured to individuals, accused of petty crimes, a certainty of having it in their power to get their cause defended by an advocate, without being forced to enter the prison. We shall see in the following part that the senate constantly refused to fulfil that engagement.

In the same manner the citizens could only obtain vague promises on the augmentation of the salaries of the syndics and counsellors. These promises are still to be performed.

The natives acquired the right of trafficking in the works of their respective professions, of executing foreign commissions, of being received physicians, surgeons and apothecaries, and admitted to one of the wardens places in every corporation that had more than two wardens. It was also determined that in future five natives should be annually admitted to freedom at a moderate expense.

Notwithstanding these ratifications, we shall hereafter see that the essential flaws in that edict are, that the condition of the natives was not sufficiently meliorated, and that suffi-

ent

CHAP.
VII.

rences will find them in the *Journal to serve as the history of the edict of 1768*. They will there see with what wisdom and liberty that edict was discussed and negotiated; they will there see the representants through love for peace give up many important objects, and in the reconciling measures that were taken, study even to be tender of the vanity of the magistrates. It will there be seen that the commissaries of the citizens

ent precautions were not taken for the support of personal liberty. But it may also be seen in the *Journal* of the edict of 1768, that the conduct of the commissaries of the citizens cannot be reproached in that particular, and that they represented to the senate the necessity of healing by salutary laws all the wounds the republic had received; wounds which were but too soon renewed. But the two able negotiators of the senate suppressed these just remonstrances, sometimes by representing themselves as entirely conquered in order to move the generosity of their adversaries, sometimes by positively refusing to subscribe to their demands, often too by representing that the most violent of the aristocratic party might at all times hurt the republic, and that it would be prudent and politic to appease them by yielding to some of their pretensions. Nor did they forget to promise that a time would come when, passion having subsided, these objects might be discussed more at leisure and in a manner more satisfactory to the citizens: thus for example they gave a verbal promise that in a short time the recalling of *Rousseau* would be taken into consideration, and represented that it was not proper to force the senate to so delicate an act, but that on the contrary it was essentially necessary to leave them the honor of it in the opinion of the citizens and of Europe.

It has been proved by experience how great an error the commissaries of the representants were guilty of in being contented with bare verbal promises and in not taking every possible advantage of the circumstances; but before we condemn their conduct, we should reflect that the existence of the republic entirely depended on the success of the negotiation about which they were employed.

zens withdrew many demands, which those of the senate judged proper in themselves, but to which their only answer was that the senate would not consent to them. In fine the reader will be enabled to judge how unjust it is to maintain that that edict was the work of constraint, and a conquest of the general council over the administering bodies. Undoubtedly, the accommodation concluded on by the two parties was in both the result of a species of moral constraint, which at length made private interest yield to that of the generality ; but that constraint was equal on both sides, and the resistance of the citizens was softened by fear of events, as much as the determination of the councils was influenced by the desertion of the guaranteeing powers. Each party endeavoured to acquire a preponderance ; it is true the senate was at length forced to renounce the unjust pretensions they had conceived, but can that be called a victory for the citizens ? And if we compare the manner in which that negotiation was carried on, with the constraint that had been used to enforce the acceptance of the project of the mediators, and afterwards the decision, we may judge whether the negatives could since, with any decency, involve in a mist of obscurity the freedom and legality of that transaction.

Perhaps the condition of the citizens was meliorated in some respects by their acquiring real rights, rights of certain and continual use, against powers far more considerable without doubt, but contested, and whose exercise was subject to many inconveniencies. However,
let

CHAP. let the balance be held with impartiality, it
 VII. must be acknowledged that the pretended superiority of the citizens entirely consists in this circumstance, that the councils were at length rendered unable to encroach on the rights of the general council, or to annihilate its influence on the constitution. From this faithful representation, it is easy to conclude that if the senate should have retained regret, it ought not to be for the transaction in itself, but only for their pretensions, from which the disturbances originated, for the unseasonable inflexibility by which they were fatally encreased, and the repeated faults whereby usage and consequently the exchange of the line of new election were at length rendered necessary.

May this example prove a lesson to the administrators of nations! may it divest them of that most fatal of prejudices, the opinion, that the depositaries of authority are infallible, and that the first moment they acknowledge themselves guilty of the slightest error becomes the signal for their ruin! This false maxim, that the remonstrances of the people must at all events be suppressed is unworthy an enlightened age like ours.

All the articles of the accommodation having been at length determined on, the 9th of March, in the petty and grand councils, and the next
 March 11 day communicated in manuscript to the twelve
 1768. clubs, the scheme of the edict was printed, distributed on the same day, and approved on the
 11th

11th in the general council, by a majority of one thousand two hundred and four voices against thirty-seven. CHAP. VII.

That assembly appeared to have put a period to the misfortunes of the republic; the magistrates shed tears of joy on recovering the affections of their fellow-citizens. *Deluc* the son, at the head of the latter, followed the senate to the town-house, and there made a solemn declaration of true reconciliation. "Let us all rest in the bosom of peace," said he, "our hearts shall overflow with joy if every individual embraces it with as much satisfaction as we do." At that moment, all the church bells rang, and the representants, intermingled with the negatives, went to give thanks to the supreme being, and to entreat his blessing on that happy day. Two days after the general council was assembled for the election of syndics, the decision was no longer spoken of; the first article only of the edict that had just been made was read; in it the citizens had expressly renounced the right of refusing to elect their syndics amongst the actual members of the senate. To complete the public happiness, the republic had the satisfaction to receive from the guaranteeing powers testimonies of the concern they took in the restoration of peace, and of the wishes they made for its duration (*h*).

After

(*b*) The senate wrote in the following terms to the cantons of Zurich and Bern on the 11th of March 1768.

The

CHAP.

VII.

March 19

1768.

After the elections, the senate ordered an extraordinary day for fasting, humiliation and thanksgiving, in the following terms. "At length our prayers are heard: firmly resolved to keep our promises, let us go to the temple of the Most High to offer up the sacrifice of our hatred, our animosities, our passions. Let us go to assume a spirit of peace that may reconcile the most divided hearts."

Thus

"Your lordships, who have been so affectionately concerned for our happiness, will learn with satisfaction the success of this day. We may entertain the better hopes of seeing confidence restored, as, on returning from the general council, the citizens and burghers hastened to go to our town-house, and all assured us that they would restore us their affections; an assurance, at which we have been really rejoiced. We are convinced that your lordships will share it with us, &c. &c."

The cantons replied on the 23d of March in the following terms.

"Dearest friends and allies. As our constant views and cares have been directed for the peace and tranquillity of a city, in which we take the most sincere concern, and to which we are united by the closest alliance, we have thought fit on this occasion; dearest friends and allies, to assure you that our most ardent wishes are that this accommodation may restore, and preserve to the most distant ages, peace and union amongst the different orders of the republic, &c."

The

Thus were terminated the disturbances in which the republic was involved by the illegal and imprudent invocation of the guarantee, and by the project long concerted of overturning the edict of 1738, or, what comes to the same, of *forcing* the citizens *to choose between the government of 1738, explained and fortified, and a new plan of government.* The disturbances had originated from abuses less formidable in themselves than by the system with which they were connected, and by the alarming tone of authority with which administration would have justified and supported them. The senate aspired to a complete triumph, when they might have succeeded by amicable negotiation; they called for foreign interposition, when their own powers were

The duke *de Choiseul's* letter to the syndics and council of the 31st March, 1768.

“Sirs,

“I have given an account to the king of the letter you took the trouble to write to me on the 14th of this month, to inform me of the manner in which the intestine divisions of Geneva have been terminated. His majesty, without choosing to investigate the consequences of the different concessions made to the citizens and burghers, has appeared to me persuaded, that since you had thought proper to come to an accommodation with them, it could not but be conducive to the good of the republic; and he has commissioned me, Sirs, to inform you that he hopes that by the restoration of peace and union between the different orders of the state, you will not for a long time be forced to have recourse to his protection?

“I am, &c.”

CHAP.
VII.

were sufficient. Thrice might they have made an advantageous treaty with the citizens; thrice did they repulse the olive branch of peace that was offered them; and it was only by their proceedings, by the most unseasonable stiffness, that they were reduced to make an accommodation at the most disadvantageous moment for themselves. On comparing this long train of indiscretions with the uninterrupted prudence of the citizens, impartial spectators have declared that the conduct of the magistrates was such as might have been expected from a people, and that of the people such as one should naturally expect from magistrates (*i*).

In effect, the representants exhibited to Europe a very singular spectacle, courageously supporting, during the space of four years, all that is most apt to weaken the resistance of a people.

(*i*) "At length I breathe: you will have peace (said *Rousseau*, in his letter to commissary *D'Ivernois* on the 24th of March 1768, on receiving information of the acceptance of the edict of 1768) "You will have peace, and you will have it with a sure pledge of its duration, I mean the esteem of your magistrates, who hitherto treating you as an ordinary people, have in consequence of that prejudice never adopted any but false measures. They must at length be divested of that error, and I doubt not that the discourse of the attorney-general in the council of two-hundred was sincere. Taking that for granted, you ought to hope that no attempt will for a long time be made to surprise or misrepresent you to foreign powers; and if these two means fail, I see no other to enslave you. My worthy friends, you have adopted the only measures against which even force is ineffectual; union, wisdom and courage. Let men do what they will, *he that knows how to die is ever free.*"

ple. They had to struggle against the diversity of their own opinions; against a rich and reputable party; against open attacks at home, and secret intrigues from abroad; against the imputations of turbulence, restlessness and sedition, almost every where attached to the remonstrances of the people; against the reiterated efforts of three mighty powers, whose vanity had been artfully set at work; against the danger of violence in their own party; in fine against a long interruption of commerce, and the attacks of necessity and misery, from which even the most courageous souls must shrink.

A conduct ever resolute, and never deviating from the limits of law during so many snares and trials was their glory; the edict of 1768 was their reward; divine providence watched over them; and through so many dangers they arrived at an accommodation, which seemed to be a safe harbour, an honourable, a salutary peace. How has it happened that the remembrance of the calamities in which the republic was involved by the illegal calling in of the guarantee, has not ever preserved her from it? What avail to states experience and a trial of the most dreadful misfortunes, since Geneva is again involved in these misfortunes by the very hands that had so recently plunged her in them?

SUPPLEMENTAL

ADVERTISEMENT,

Relative to an intended continuation of
this Work.

THE pressing motives that induced me to take up the pen, permit me not to defer the publication of the three first portions of this essay. So great was the precipitation with which they were thrown together, that they should be considered but as rude materials, but as a simple justification and nothing more. I have been contented with presenting an artless exposition of facts, to enable the friends of truth to judge of the transactions about to be disclosed in Geneva. Let others undertake to give this hasty sketch warmth of colouring and strength of pencil, I shall be the first to thank them: but if the persecutions I have described are insufficient to interest the virtuous in the misfortunes of my fellow-citizens, we have only to deplore the hard fate of the oppressed.

Previous to my entering on the history of the actual revolution, it was necessary to establish on authentic facts the character of the citizens of Geneva, and the views of their magistrates ; but it was particularly necessary to state the following truths. That since the beginning of the century, there has existed in Geneva *a system calculated for subduing the citizens, and forcing them to silence by authority and fear* (a). That the citizens have ever kept on the defensive ; that no people were ever more wantonly provoked, no people were ever fonder of order, more patient in adversity, more wise in the manner of asserting their rights, more moderate in prosperity, or more generous towards a magistracy, who to the lust of arbitrary power sacrificed the tranquillity and independence of their country. In the following volume these important truths shall receive full lustre.

It is perhaps expected that the partisans of aristocracy, gathering experience from their own indiscretions, will voluntarily be reconciled to their fellow-citizens, endeavour to obliterate the remembrance of the misfortunes they had brought upon them, aspire no longer to any authority but that which is founded on confidence, renew the bonds of general union, renounce all thoughts of subduing a people so worthy of liberty, and above all, according to the words of *Rousseau*, *not attempt for a long time to surprise them, or to misrepresent them to foreign powers.*

(a) See the account given by the deputies of Bern in the year 1737, page 46.

powers. In short the reader expects that they will remain faithful to their solemn vow to support the edict of 1768. On the contrary we shall see that they pretended what they had then signed was not a peace but a truce, that they might thereby collect new strength to revive the decision, and to throw off the yoke of political equality; a yoke to them insupportable: we shall see them attempt every method to abrogate the edict of 1768.

We have seen, in 1709, the aristocratic confederacy contrive in obscurity, and pursue during three years the subversion of a law, which, in 1707, they had sworn to maintain. We have seen them, on the discovery of the conspiracy in 1734, dexterously shrink back, and acquiesce in the peace granted to them, only the better to concert means to break through it, and to have recourse to foreign support. We have seen them, in 1737, persuade the citizens to accept of the mediation, with a solemn engagement to respect the edict of the 20th December 1734, at the very moment they solicited its abrogation. We have seen them, after having accepted the edict of 1738, *with sentiments of the most lively and respectful gratitude*, call on the guarantee on pretence of maintaining it, and in the mean time solicit its repeal (*b*) from the very powers, before whom the senate had sworn that it was their intention to preserve it *unaltered*. In short we have seen this body, to ensure success to their designs,

B b 2

involve

(*b*) See note (*f*) pages 221 and 222.

involve their fellow-citizens in the greatest calamities imaginable.

All these artifices are nothing in comparison to the plot we shall see concerted in order to subject the citizens anew to foreign laws. Never was intrigue more mysterious, more active in its proceedings, or more skilful in the choice of its instruments; never was the lust of power more intemperate in its projects, more insidious in its wiles. Never did corruption more boldly rear her head; never was public faith more openly violated, or calumny perhaps more amply rewarded; never were republican manners more disregarded, or corruption in political principles and boldness in avowing them carried to greater lengths.

Such is the picture that the conspiracy against the edict of 1768 will exhibit. We shall see the partisans of aristocracy, during the space of twelve years, lull their fellow-citizens to security, by the most solemn asseverations of attachment and respect for that edict. We shall hear them declare *that it would be extravagance to contest that law with the general council; that it was their wish to maintain it unaltered; that it was to be partly the ground-work of the code, and that they would ever persevere in these sentiments.* On a sudden these asseverations shall be found to be only political stratagems. The negatives will contest the legality of that edict, and term it an *illegal* edict, a *wretched* edict, *null* and vitiated by constraint, We shall see them openly attack the sovereignty of the general council, declare war on the constitution, arm all the neighbouring powers against their

their fellow-citizens, strain every nerve to provoke the latter to acts of violence, to occasion intestine disorders, and at length force the citizens to depose a corrupt administration, in obedience to the first, the most ancient of all laws, the law by which all others have been dictated . . . necessity.

We shall see a second *Cromelin* take pains to calumniate the citizens at the court of France, hold forth a sovereign people in the colours of a rebellious mob, fond of innovation, ever wavering at the nod of a few ambitious demagogues. We shall see him solicit the support of a foreign arm, deceive a great minister, and at length give the signal for a more unjust insurrection than any this history has as yet delineated.

It may have been perceived from the three former parts of this work that the author has spared no pains to get possession of authentic and faithful accounts. I presume to assert that what remains to be published will unmask all the baseness of the enemies of my country, and the unjust calamities that are ready to overwhelm her. I shall demonstrate the abuse that was endeavoured to be made of the guarantee, and the real motives that induced the three powers to renounce their engagements on that guarantee. I shall publish with the most circumstantial detail all that has been done, to point out to them the designs of the ambitious men by whom they were deceived.

These materials are ready to appear; they are even deposited in a safe place, that they may
survive

survive me, if I sink with my falling country. They will afford me the last consolation that oppressed innocence can receive, that of unmasking the injustice of its oppressors.

But if the calamities with which Geneva is threatened, are averted, if truth at length dispells the mist with which it is surrounded, if my country preserves her freedom and independence, if an honorable, a salutary, a happy peace, the aim of my feeble exertions, be effected, if that most ardent wish of my heart be realized, with what pleasure will I not renounce the idea of drawing from future generations a sigh, by holding up to them the crimes of ambition, and the means to which men of Geneva had recourse to prepare fetters for their fellow-citizens !

E N D

